

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
EXECUTION APPLICATION 23/2023  
IN  
ORIGINAL APPLICATION 75/2023**

**IN THE MATTER OF**  
JAISHREE BANSAL

...APPLICANT

**VERSUS**

UTTAR PRADESH POLLUTION CONTROL BOARD & ORS.

...RESPONDENT(s)

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2.	A COPY OF THE CTE DATED 05.04.2025 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-1	
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	ANNEXURE-3	
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*THROUGH COUNSEL*



BHANWAR PAL SINGH JADON  
STANDING COUNSEL FOR THE STATE OF U.P.  
bhanwar09jadon@gmail.com | 6375115224

**DATE: 03/11/2025**

**PLACE: NOIDA**

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
EXECUTION APPLICATION 23/2023  
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IN THE MATTER OF  
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AFFIDAVIT BY THE JOINT SECRETARY, URBAN DEVELOPMENT  
DEPARTMENT, STATE OF U.P. IN COMPLIANCE OF ORDER DATED  
05.08.2025, PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

I, Kalyan Banerjee, aged about 59 years, S/o Lade Smt. D.D. Banerjee posted as Joint Secretary, Urban Development Department, Uttar Pradesh, do hereby solemnly affirm and state as under:

- I, Kalyan Banerjee, am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.

Sworn & Verified  
Before me  
No. 3/1/25  
AMBRISH KUMAR  
ADVOCATE & NOTARY  
Vill-Devi Ganj Anaiya  
Adampur JANUBI, Lucknow

2. That in the present Execution Application, the Hon'ble Tribunal is considering how to handle solid waste in the village of Jagjeevanpur, Pargana Jalalabad, District Ghaziabad, and how to remediate the Jagjeevanpur dump site.
3. That the Hon'ble Tribunal vide order dated 05.08.2025 directed the State of U.P. file the compliance report with regards to the remediation of the Municipal Solid Waste in Jagjeevanpur, Pargana Jalalabad, District Ghaziabad. The operative part of the aforementioned order is as stated below:



*"...1. A letter has been circulated by Counsel for the State of UP and Uttar Pradesh Pollution Control Board (for short, "UPPCB") seeking adjournment to enable him to submit the updated compliance report and also place on record the relevant material of pending PIL No. 2281/2021 titled JankalyanKisan Welfare Samitivs State of UP &Ors., before the High Court of Allahabad. The prayer is allowed and four weeks' time is granted to the Counsel for State of*

Sworn & Verified UP/UPPCB..."

Before me

1.31.11.25  
AMRISH KUMAR  
ADVOCATE & NOTARY  
Vill-Davi Ganj Anahys  
Adampur Jansibi, Lucknow

4. That the actions taken in compliance of the directions issued by the Hon'ble Tribunal are as follow:

**ACTIONS TAKEN/ COMPLIANCES:**

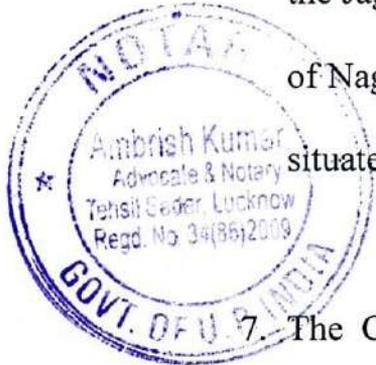
5. That the daily generation of the Municipal Solid Waste in the jurisdiction of the Ghaziabad Nagar Nigam is approximately 2000 TPD.
6. That previously the fresh waste was being transported to and being treated at the Jagjeevanpursite, however, from 6<sup>th</sup> July, 2025 the daily generated MSW of Nagar Nigam Ghaziabad is being treated at the 900 TPD processing plant situated at Khasra No. 281, Village Muhiddinpur, Dabarasi, Ghaziabad.

The CTE dated 5<sup>th</sup> April, 2025 has been obtained and subsequently the application for the CTO has been made to UPPCB, Ghaziabad. It is submitted that through the CTE, permission to process 900 TPD MSW has been granted by the UPPCB.

A copy of the CTE dated 05.04.2025 is annexed herewith and marked as

**ANNEXURE-1.**

Sworn & Verified  
Before me  
No 3/11/25  
AMBRISH KUMAR  
ADVOCATE & NOTARY  
Vill-Davi Ganj Anliya  
Adampur Jankari, Lucknow



8. That for the processing of the remaining MSW, as per the environmental norms, a site for setting of Solid Waste Processing Plant has been identified in Loni, Ghaziabad having an area of approximately 8.2650 ha. by the Ghaziabad Nagar Nigam.
9. That the tender for setting of the Waste Processing Plant having the capacity of about 2000 (extendable upto 3000 TPD) has been issued by the Nagar Nigam. The technical and financial binding for the same will be finalised within 1 week and the processing plant will be made operational in 3 months.

A copy of the issuance of the tender is annexed herewith and marked as

**ANNEXURE-2.**

**CASE STATUS WITH REGARDS TO THE PIL NO. 2281 OF 2021**

**"JANKALYAN KISAN WELFARE SAMITI VS STATE OF U.P. AND**

**OTHERS" PENDING BEFORE THE HON'BLE ALLAHABAD HIGH**

**COURT**

10. That it is submitted the matter has been filed before the Hon'ble Court filed

seeking primary relief of order or direction in nature of Mandamus to direct

Sworn & Verified  
Before me

the respondents to not to construct 'Solid Waste Management Plant'

AMBRISH KUMAR  
ADVOCATE & NOTARY  
VII-Davi Ganj Anaiya  
Adampur Janubi, Lucknow

(SWMP) at Village Dundahera at District Ghaziabad and further claiming

writ order or direction in nature of Certiorari quashing the lease deed dated 14.10.2019, executed by Nagar Nigam Ghaziabad, in favour of M/s G.C. International, Netherlands, making available land for construction of SWMP at Village Galand District Hapur.

A copy of the case status and the orders of the Allahabad High Court in the PIL are annexed herewith and marked as **ANNEXURE-3**.

11.Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.

12.I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.



**DEPONENT**

**VERIFICATION**

Verified at Lucknow, on this 03 day of November, 2025, that the contents of the above affidavit from paragraphs 1 to 12 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

**DEPONENT**

Sworn & Verified  
Before me

03/11/25  
**AMRISH KUMAR**  
ADVOCATE & NOTARY  
Vid-Devi Ganj Anaiya  
Adampur Janubi, Lucknow

Diyansh  
I identify the [deponent/executor] who  
has signed/put it before me.  
3/11/25



**UTTAR PRADESH POLLUTION CONTROL BOARD**  
 Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010  
 Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.com, Website: www.uppcb.com

Validity Period :02/04/2025 To 01/04/2030

Category : RED

Application Id : 30534383

Ref No. -

Dated:- 05/04/2025

233519/UPPCB/Ghaziabad(UPPCBRO)/CTE/GHAZIABAD/2025

To ,

Shri SHUBHAM GOEL  
 M/s SHREE JI COAL COMPANY  
 Khasra No. - 181, Village - Muhiddinpur, Dabarsi, Ghaziabad (U.P.),GHAZIABAD,  
 GHAZIABAD

**Sub :** Consent to Establish for New Unit/Expansion/Diversification under the provisions of Water (Prevention and control of pollution) Act, 1974 as amended and Air (Prevention and control of Pollution) Act, 1981 as amended.

Please refer to your Application Form No.- 30534383 dated - 20/02/2025. After examining the application with respect to pollution angle, Consent to Establish (CTE) is granted subject to the compliance of following conditions :

1. Consent to Establish is being issued for following specific details :

A- Site along with geo-coordinates :

B- Main Raw Material :

Main Raw Material Details		
Name of Raw Material	Raw Material Unit Name	Raw Material Quantity
Municipal Solid Waste (M.S.W.)	Metric Tonnes/Day	900

C- Product with capacity :

Product Detail	
Name of Product	Product Quantity
RDF - 400 TPD	00
Bio Compost- 100 TPD	.

D- By-Product if any with capacity :

By Product Detail			
Name of By Product	Unit Name	Licence Product Capacity	Install Product Capacity
Inert - 400 TPD	Metric Tonnes/Day	400.0	400.0

2. Water Requirement (in KLD) and its Source :

Source of Water Details		
Source Type	Name of Source	Quantity (KL/D)
Ground Water (within premises)	Borewell	22.0

3. Quantity of effluent (In KLD) :

नगर स्वास्थ्य अधिकारी  
 गाज़ीपुर

Effluent Details	
Source Consumption	Quantity (KL/D)
Domestic	2.0
Industrial	20.0

4. Fuel used in the equipment/machinery Name and Quantity (per day) :

Fuel Consumption Details		
Fuel	Consumption(tpd/kld)	Use
Others	0.0	Used In D.G. Set of Cap. 62.5 KVA & 15 KVA (RECD OR Dual Fuel System)

5. For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

For any change in above mentioned parameters, it will be mandatory to obtain Consent to Establish again. No further expansion or modification in the plant shall be carried out without prior approval of U.P. Pollution Control Board.

- You are directed to furnish the progress of Establishment of plant and machinery, green belt, Effluent Treatment Plant and Air pollution control devices, by 10th day of completion of subsequent quarter in the Board.
- Copy of the work order/purchase order, regarding instruction and supply of proposed Effluent Treatment Plant/Sewerage Treatment Plant /Air Pollution control System shall be submitted by the industry till 01/04/2030 to the Board.
- Industry will not start its operation, unless CTO is obtained under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and control of Pollution) Act, 1981 from the Board.
- It is mandatory to submit Air and Water consent Application, complete in all respect, four months before start of operation, to the U.P. Pollution Control Board.
- Legal action under water (Prevention and control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 may be initiated against the industry With out any prior information, in case of non compliance of above conditions.

**Specific Conditions:**

म  
नगर स्वास्थ्य अधिकारी  
भाजियाबाद नगर निगम

1. THIS CTE IS VALID ONLY FOR Establishment New Unit of Common Municipal Solid Waste Facility (CMSWF) for the proposed production of Bio Compost- 100 TPD, RDF (Refused Derived Fuel)- 400 TPD and Inert- 400 TPD by using proposed Raw Material as Municipal Solid Waste from Ghaziabad Nagar Nigam- 900 TPD
2. In case of any change in production capacity/ process/raw materials use etc. the industry will have to intimate the Board. For any enhancement of the above, fresh Consent to Establish has to be obtained from U.P. Pollution Control Board.
3. Unit must submit proposal for plastic waste disposal and its EPR within 15 days to the Board.
4. Unit shall submit Effluent/Emission monitoring report of the STP and stack of Air Polluting Sources and Ambient Air Monitoring of the premises done by MoEF&CC and UPPCB approved laboratory within 01 Month and on Quarterly basis to the Board by LIMS Portal.
5. As per the directions given by Commission for Air Quality Management in National Capital Region and Adjoining Areas vide its letter no-A-110018/01/2021-CAQM, dated-04.02.2022, industry shall under all circumstances completely switch over to PNG or Bio Fuels latest by 30.09.2022. Industry should switch over to PNG Fuel as soon as PNG supply is available in the area. Unit must use Rice Husk/Biomass/Agriculture Refuse/Bio Fuel Pellets/Bio Briquettes as per direction given by CAQM.
6. Unit shall comply with direction issued under Graded Response Action Plan (GRAP) time to time by Hon'ble Supreme Court & Commission for Air Quality Management in NCR and Adjoining Areas (CAQM).
7. Operation and maintenance of APCS shall be done in such a way that the emission generated from stacks is always within prescribed norms of the Board.
8. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) directions issued time to time regarding use of cleaner fuel.
9. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) directions regarding DG sets.
10. The Board reserves its right to modify above conditions or stipulate any additional conditions including revocation of this order, in the interest of environment protection. In case of violation of above-mentioned conditions or any public complaint the CTE shall be withdrawn.
11. Project shall install anti-smog guns and PTZ camera at site and ensure registration on dustapp.ucepc.in for self-declaration of dust control audit.
12. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 75 regarding GRAP.
13. Unit shall comply with the CAQM (Commission for Air Quality Management in NCR and Adjoining Areas) direction no. 76 and 77 regarding regulation of DG sets.
14. In the case of usage of ground water, the Project Proponent must obtain NOC from UPGWD within one month from the date of issue of CTE, unless falling in exempted category as per MoJS Guidelines dated 24.09.2020 and amendments dated 29.03.2023 thereto.
15. Project shall ensure the compliance of Environment standards as per Environment (protection) Act 1986. Maximum quantity of treated water shall be used in gardening /flushing. The Unit will ensure the continuous and uninterrupted data supply from the OCEEMS to the CPCB server. The unit will follow the CPCB Guidelines for Utilization of Treated Effluent in Irrigation available in the CPCB web portal.
16. The APCS will be maintained and operated in such a manner that emissions always conform to the standard laid down under the E.P Act 1986 as amended.
17. The industry shall comply the provisions of Hazardous and Other Waste (Management and Transboundary Movement) Rules 2016 and shall obtain authorization for the disposal of hazardous waste.
18. This Consent to Establish (CTE) order shall automatically become invalid on issuance of Closure Order by C.P.C.B / UPPCB and further on Revoking of Closure order, the Consent order shall become valid.
19. The industry shall comply with various provisions of Air (Prevention and Control of Pollution) Act 1981 as amended, Water (Prevention and Control of Pollution) Act 1974 as amended and all other applicable rules notified under E.P. Act 1986 and the various orders issued by the MOEF&CC, CPCB and SPCB in time to time .
20. The industry shall provide adequate arrangement for fighting the accidental leakages/dischage of any air pollutant/gas/liquid from the vessel, machinery etc. which are likely to cause fire hazard including environmental pollution.
21. The industry shall install electromagnetic flow meter at water source and outlet of ETP, and maintain the records of water abstracted and recycled treated effluent. The treated effluent from the Effluent Treatment Plant shall be used completely in the manufacturing process. No Treated water shall be discharge outside the factory premises in any circumstances.
22. Industry shall install at sufficient height from the ground level Open to Network HD PTZ Camera at the outlet of STP and its URL and password shall be provided to the UPPCB Control room.

- at the outlet of STP and its URL and password shall be provided to the UPPCB Control room.
23. Industry shall comply with various Waste Management Rules as notified by MoEF&CC i.e. Plastic Waste Management Rules, 2016, Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Transboundary) Rules, 2016, E-waste (Management) Rules, 2016, Construction and Demolition Waste Management Rules, 2016, Battery Rules 2000 and Noise Pollution (Regulation and Control) Rule, 2000.
  24. Industry shall install and maintain Online Continuous Effluent and emission Monitoring System (OCEMS) on STP and stack & connect it with SPCBs and CPCB server, before start of production as per the direction of CPCB.
  25. Industry shall comply the order passed by Hon'ble NGT time to time.
  26. The industry shall ensure provisions of Roof Top Rain Water Harvesting system and Ground Water Recharging Proposal/ compliance report should be sent to the Board within One month.
  27. Industry shall dispose the hazardous waste through authorized recyclers/TSDF.
  28. Industry shall not use furnace oil/pet coke as a fuel.
  29. Industry shall ensure proper disposal of boiler ash.
  30. The industry should be operated in such a manner that it does not adversely affect the environment and the solid waste generated such as ash etc. be disposed in eco friendly manner.
  31. The industry shall abide by orders / directions issued by Hon'ble Supreme Court Hon'ble High Court, Hon'ble National Green Tribunal, Central Pollution Control Board and U.P Pollution Control Board for protection and safe guard of environment from time to time.
  32. The industry shall obtain prior consents in the event of any addition of new emission generation sources such as- Boiler/ Furnace/ Heaters/ D.G. Sets or alteration of existing emission sources in accordance with section- 21/22 of air Act 1981 (as amended respectively).
  33. The industry shall establish Miyawaki forest inside the factory in sufficient area the treated effluent from the ETP shall be used for forestation.
  34. Minimum 33% of the land on which industry is established will be covered by the plantation of tall trees of suitable species as per the guidelines set up by the Board vide its Office Order no.H16405/220/2018/02 dt. 16/02/2018. The copy of this guideline is available at URL [http://www.uppcb.com/pdf/Green-Belt-Guide\\_160218.pdf](http://www.uppcb.com/pdf/Green-Belt-Guide_160218.pdf).
  35. The Unit shall submit Bank guarantee of Rs. 1,00,000/- (Rs. One Lacs Only) for establishment of Miyawaki Forest as per the GO No. 1011/81-7-2021-09(writ)/2016, dated-13.10.2021 of Department of Environment, Forest and Climate Change within a month from the date of issue of this order with the proposal for proposed plantation.
  36. A Bank Guarantee of Rs. 1,10,000/- (Rs. One Lakh Ten Thousand Only) shall be submitted within 15 days including the conditions mentioned at serial no.1 to 34 which will be valid for SIX YEAR otherwise this consent to establish shall be deemed to be withdrawn.

Please note that consent to Establish will be revoked, in case of, non compliance of any of the above mentioned conditions. Board reserves its right for amendment or cancellation of any of the conditions specified above. Industry is directed to submit its first compliance report regarding above mentioned specific and general conditions till 05/05/2025 in this office. Ensure to submit the regular compliance report otherwise this Consent to Establish will be revoked.

ANAND KUMAR ANAND ANAND KUMAR  
'30'05+ 17:51:04 2025.04.05  
Chief Environmental Officer (Incharge), Circle 1

Dated:- 05/04/2025

Copy To -

Regional Officer, U.P. Pollution Control Board, Ghaziabad to ensure the compliance of the conditions imposed in the certificate.

ANAND KUMAR ANAND ANAND KUMAR  
'30'05+ 17:51:26 2025.04.05  
Chief Environmental Officer (Incharge), Circle 1

M  
नगर स्वच्छता अधिकारी  
गोपालगढ़



**मिशन LiFE - पर्यावरण के लिए जीवन शैली**  
(Lifestyle For Environment)  
**जनसहभागिता का सन्देश**



- स्वच्छता - देशसेवा में अपने परिवेश की स्वच्छता हेतु अपना सक्रिय योगदान सुनिश्चित करें
- संकल्प लें - एकल उपयोग प्लास्टिक उत्पाद जैसे कप, तश्तरी, चम्मच, स्ट्रॉ, ईयरवड्स आदि का उपयोग न हो एवं पर्यावरण अनुकूल विकल्पों जैसे कागज/पत्तों से बने दोने या कटलरी को प्राथमिकता दी जाय ।
- एकल उपयोग प्लास्टिक उत्पाद के प्रयोग को रोकने एवं प्लास्टिक बैग के वजाय कपड़े के थैले का उपयोग करने मात्र से 375 मिलियन टन ठोस (प्लास्टिक) कचरे का उत्सर्जन बचाया जा सकता है
- चक्रीय अर्थव्यवस्था (सर्कुलर इकोनॉमी) का समुचित कार्यान्वयन वर्ष 2030 तक लगभग 14 लाख करोड़ रुपये की अतिरिक्त वचत उत्पन्न कर सकता है । वेस्ट/अपशिष्ट फेंकने के पूर्व सोचें, ये किसी का संसाधन तो नहीं ...?
- अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को कचरे में फेंकने से रुकें । इसके उपयुक्त निस्तारण हेतु इसे प्राधिकृत ई - वेस्ट रीसाइकलर को दें । प्राधिकृत ई-रीसाइकिलिंग इकाई में अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को देने मात्र से 0.75 मिलियन टन तक ई-कचरे का पुनर्चक्रण किया जा सकता है एवं ई-कचरे के विषम पर्यावरणीय दुष्प्रभाव से बचा जा सकता है
- बाहर जाते समय - सोचें कि क्या आपको वास्तव में परिवहन की आवश्यकता है - वह भी क्या व्यक्तिगत रूप से ? छोटी दूरी के लिए पैदल चलना पसंद करें, अथवा सम्भव हो तो कार पूल के रूप में संसाधन को साझा करें अथवा सार्वजनिक परिवहन पर विचार करें
- घरेलू स्तर पर कम से कम ठोस अपशिष्ट का उत्सर्जन करें और इनका प्रथाकीकरण करें
- उपयोगी शेष खाद्य सामग्री आपके स्वयं प्रयास अथवा निकटस्थ सक्रिय स्वयं सेवी संस्थाओं की सहायता से समाज के वंचित वर्ग तक पहुंचाई जा सकती है । वहीं अनुपयोगी भोजन/खाद्य सामग्री को कंपोस्ट (वर्मी कम्पोस्ट) करने से 15 अरब टन भोजन को नष्ट होने से बचाया जा सकता है
- ध्यान रखें - उपयुक्त नल और शावर के उपयोग से पानी की खपत को 30 - 40% तक कम किया जा सकता है। एवं उपयोग में न होने पर नलों को बंद रखने मात्र से 9 ट्रिलियन लीटर पानी बचाया जा सकता है
- ट्रैफिक लाइट/रेलवे क्रॉसिंग पर कार/स्कूटर के इंजन बंद करने मात्र से 22.5 बिलियन kWh तक ऊर्जा की बचत हो सकती है
- परम्परागत बल्ब के स्थान पर CFL का उपयोग बिजली की खपत में प्रभावी कमी लाते हैं । उपयोग में न होने पर बिजली उपकरणों को बंद करें । स्टार रेटेड विद्युत उपकरणों के उपयोग को प्राथमिकता दें

हमारे द्वारा अपनी जीवन शैली की प्राथमिकताओं का उचित और पर्यावरण अनुकूल पुनर्निर्धारण समाज और पर्यावरण के प्रति हमारा दायित्व है।

M ✓  
नगर पर्यावरण अधिकारी  
पर्यावरण विभाग, नगर निगम

## FORM II

[See paragraphs 11 (2) and 12 (1)]

APPLICATION FOR CONSENT TO OPERATE AN INDUSTRIAL PLANT, UNDER SECTION 25 OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 AND UNDER SECTION 21 OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981

From

SHREE JI COAL COMPANY, Khasra No. - 181, Village - Muhiddinpur, Dabarsi, Ghaziabad  
(U.P.), GHAZIABAD,  
Muhiddinpur,  
Bhojpur,  
GHAZIABAD

To

The Member Secretary  
Uttar Pradesh State Pollution Control Board/Committee  
T.C.12V, Vibhuti Khand, Gomti Nagar,  
Lucknow(226010).

Sir,

I/ We hereby apply for Consent to operate an industrial plant or renewal of consent under section 25 of the Water (prevention & control of pollution) act, 1974 (6 of 1974) or for amended product, operation or process, or treatment and discharge of sewage / trade effluent and under section 21 of the Air (prevention & control of pollution) act, 1981 (14 of 1981) or for amended product, operation or process, or treatment and emission or continuation of emission of air pollutants and authorization application under the Hazardous Wastes (Management and Handling) Rules, 1989 as amended

from a land / premises owned by M/s. \_\_\_\_\_

at location \_\_\_\_\_

as per the details given below:

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Page 1

**TO BE FILLED BY APPLICANT**  
**PART A: GENERAL**

S. No.	Required Details	:	
<b>1.0</b>	<b>Project Details</b>		
<b>1.1</b>	<b>Name of the Project / Industry / TSDF</b>	:	SHREE JI COAL COMPANY
<b>1.2</b>	<b>Project Proposal</b>	:	reNew
<b>1.3</b>	<b>Details of Environment Clearance</b>	:	Not Applicable
<b>1.4</b>	<b>Address of the Site / Unit</b>	:	<b>Plot / Survey No</b> : Khasra No. - 181, Village - Muhiddinpur, Dabarsi, Ghaziabad (U.P.)
		:	<b>Village</b> : Muhiddinpur
		:	<b>Tehsil</b> : Bhojpur
		:	<b>District</b> : GHAZIABAD
		:	<b>State / UT</b> : Uttar Pradesh
		:	<b>Pin code</b> : 201015
<b>2.0</b>	<b>Details of Applicant / Occupier</b>		
<b>2.1</b>	<b>Name of the Applicant / Occupier</b>	:	SHUBHAM GOEL
<b>2.2</b>	<b>Designation</b>	:	Proprietor
<b>2.3</b>	<b>Nationality of the Occupier</b>	:	Indian
<b>2.4</b>	<b>Correspondence Address</b>	:	<b>Plot / Survey No / Street Name</b> : KHASRA NO. 181, VILLAGE - MUHIDDINPUR, DABARSI, GHAZIABAD, UTTAR PRADESH - 201015
		:	<b>Village / Town / City</b> : Khasra No. - 181, Village - Muhiddinpur, Dabarsi, Ghaziabad (U.P.)
		:	<b>Tehsil / Taluk</b> : Khasra No. - 181, Village - Muhiddinpur, Dabarsi, Ghaziabad (U.P.)
		:	<b>District</b> : GHAZIABAD
		:	<b>State / UT</b> : Uttar Pradesh
		:	<b>Pin code</b> : 201015
<b>2.5</b>	<b>Contact Details of Plant Head with: Alternate details</b>	:	<b>Name &amp; Designation</b> : I. SHUBHAM GOEL / PROPRIETOR
		:	<b>e-mail address</b> : I. goelshubham1987@gmail.com
		:	<b>Landline Number</b> : I. 0120-0
		:	<b>Mobile Number</b> : I. 8527130645

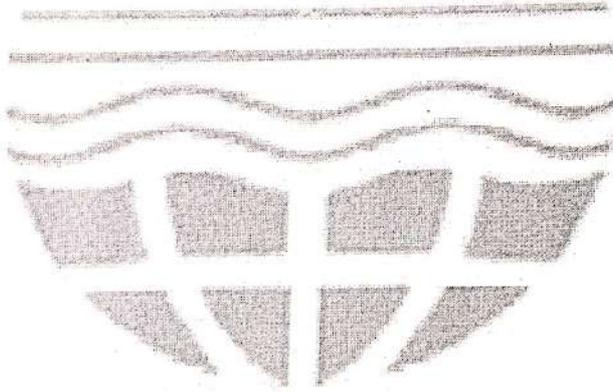
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3.0	<b>Legal Status of the Company</b>	
3.1	<b>Individual / Proprietary concern / Partnership firm / Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership.</b>  <b>Note: Registration Number and Authority shall be mentioned.</b>	: Proprietary Firm
3.2	<b>Central Govt. / State Govt. / Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt. + Govt.), (Pvt. + Pvt.)</b>	: Proprietary Firm

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4.0	<b>Location of the Project /Industry/Activity:</b>		
4.1	<b>Location</b>	:	
4.2	<b>Bounded Latitudes (North)( 8 digit after decimal)</b>	:	0
4.3	<b>Bounded Longitudes (East)(8digit after decimal)</b>	:	0
4.4	<b>Located in Eco-Sensitive Zone of Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill stations (altitude &gt; 600M), Major towns and Cities</b>	:	Major towns and Cities  <b>UPPCB</b>
4.5	<b>Survey of India Topo Sheet Number</b>	:	NA
4.6	<b>Land details (as per Panchayat, Tehsil, District)</b>	:	<b>Owned/Leased</b> : Owned
		:	<b>Total Area in Ha</b> : -
		:	<b>a) Non-Forest in Ha</b> : -
		:	<b>b) Forest in Ha</b> : NA
		:	<b>Annual Lease Value, in case of Leased in Rs.</b> : NA
		:	<b>Buildup Area in Sq. M.</b> : NA
		:	<b>Green Belt cover in % of total area</b> : NA
4.7	<b>Extent of Land in Sq. m</b>	:	<b>Own-Agricultural</b> : NA
		:	<b>Industrial</b> : NA
		:	<b>Converted</b> : NA
		:	<b>Industrial Area</b> : NA
		:	<b>a) Applied and not allotted</b> : Allotted
		:	<b>b) Applied and allotted</b> : Allotted
		:	<b>c). Leased</b> : Own Land

ML

5.0	<b>Category &amp; Classification of the Project/Industry/Activity :</b>						
5.1	Category of Industry (Red, Orange, and Green)	Category	:	BLUE			
		Pollution Index	:	86.0			
5.2	Industrial Sector/Type	:	1.1 Municipal Solid Waste Management Facility - Municipal Solid Waste Management Facility (Sanitary landfill/ Integrated Sanitary landfill with material recycling facility/ refused derived fuel, etc.)				
5.3	Grossly Polluting/17 Category/ Others	:	Yes				
5.4	Scale of Industry based on Capital Investment (Micro/ Small /Medium /Large))	Total Capital Investment (Rs.)	:	409.6			
		Scale/Classification	:	small			
5.5	Products / By-Products: Manufacturing capacity (TPD/TPA)	Products/ By-products	:	Capacity			
		RDF - 400 TPD	:	400.0			
		Bio Compost - 100 TPD	:	100.0			
		Inert - 400 TPD	:	400.0			
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	Raw Materials	:	Consumption			
		Municipal Solid Waste (M.S.W.) - 900 MTD	:	Municipal Solid Waste (M.S.W.) - 900 MTD			
5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	Not Attached				
5.8	Date / Expected date of commencement of production	:	30/09/2025				
5.9	Number of people to be employed	:	20				
5.10	Industry Shifts/ Weekly off	Shifts(I/II/III) & in Hours	:	General Shifts			
		Weekly off in days	:	NO			
5.11	Use of Hazardous Chemicals as per MSHIC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
5.12	Insurance under PLI Act, 1991	:					

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## PART B: WASTE WATER ASPECTS

6.0	<b>Water Consumption and Wastewater Generation</b>		
6.1	Source of Water	:	[Ground Water (within premises)]
6.2	Authority Granting permission & Quantity permitted	:	Authority: [UPGWD]
		:	Quantity: [9.0]
6.3	Water Consumption (KLD) for manufacturing capacity	:	[9.0]
6.4	Water Usage for manufacturing capacity	:	<b>Purpose</b> : <b>KLD</b>
		:	Domestic : 2.0
		:	Other Utilities- Other Utilities- Washing And Cleaning : 7.0
6.5	Wastewater Generation (KLD) for manufacturing process	:	
	Wastewater from various sources	:	<b>Purpose</b> : <b>KLD</b>
		:	Domestic : 1.0
		:	Other Utilities- Other Utilities- Leachate @ 20 KL/Day is treated in ETP & used in gardening / Sprinkling : 0.0
		:	
6.6	Wastewater Treatment Systems	:	<b>Type of Effluent</b> : <b>KLD</b> : <b>Treatment System</b>
		:	Any other : ETP
6.7	Details Sewage Treatment Plant(s)	:	<b>S. No.</b> : <b>Capacity of STPs</b> : <b>KLD</b>
		:	I : Domestic Waste Water Taken Care In Septic Tank And Sock Pit System : 1.0
	Mode of disposal of treated effluent	:	Dom. Eff. Disposed Through Septic Tank/Soak Pit
6.8	Details Effluent Treatment Plant(s)	:	<b>S. No.</b> : <b>Capacity of ETPs</b> : <b>KLD</b>
		:	NA
6.9	Capacity of treated effluent sump / guard pond, if any	:	NA
6.10	Schematic diagram of the treatment scheme with inlet/outlet characteristics of each Unit operation/process	:	Not Attached

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11	Quality of Effluent before & after treatment (at the final outlets) in respect of pH, SS, TDS and constituting major ions, BOD/COD, Oil & Grease, and relevant metals and nutrients as per the process/standards. (Attach analysis report of untreated and treated effluent from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the effluent	: Not Attached
6.12	Name of River/Creek/Estuary/Drain (owner of sewer)/Sea/Land connected to ETP	: NA
6.13	Details of Solid Wastes separately for 'Hazardous' and 'Other' wastes covered under H&OW Rules, 2016 and other solid wastes not covered under H&OW Rules, 2016, including their management system	: The unite will be complying with Hazardous waste Rule 2016
6.14	Details of treatment-performance and environmental-compliance monitoring and reporting system	: Quarterly reports as required will be submitted.
6.15	Any relevant information not covered in the above items	: NA

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## PART C: AIR EMISSION ASPECTS

(Information required in case of industrial establishments having chimneys)

### 7.0 AIR EMISSION ASPECTS

7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	:	S. No	Fuel	Quantity	Ash%	S%
			1	Others	0.0		
7.2	Details of Stack (Process, fuel, D.G): a. Number of stacks and vents with height and diameter(m) b. Quality and quantity of stack emissions from each stack and vent c. Major industrial processes / sources of fugitive emission d. Brief account of air pollution control units to deal with the emission						
Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform
1	DG Set	Diesel/PNG	1.6	0	0	Others	D.G. Set of Cap. 62.5 KVA & 15 KVA
7.3	D.G. Sets	:	S. No	KVA	Acoustic status	Height (m)	
			1	62.5 KVA & 15 KVA (RECD Or Dual Fuel System)	As Per CAQM Guideline	1.6 & 0.7	
7.4	Quality of source emission (before treatment/ control) and after treatment/ controlled emission (at stacks/vents) in respect of PM, SO <sub>2</sub> , NO <sub>x</sub> , and other relevant air pollutants as per the process/standards. (Attach analysis reports of stack emissions from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the emissions		Not Attached				
7.5	Odorous compounds, if any and control measures provided		The unit will be provided to control odorous, if any.				
7.6	Details of treatment/control performance and environmental compliance monitoring and reporting system		Quarterly reports as required will be submitted.				
7.7	Any relevant information not covered in the above items		Leachate @ 20 KL/Day is treated in ETP & used in gardening / Sprinkling				

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## PART D:HAZARDOUS WASTE ASPECTS

(Information required in case of industrial establishments generating Hazardous Waste)

## 8.0 Hazardous Waste Management

8.1	Process generating Hazardous waste	S. No	Process	Clause of Schedule I	Quantity/ Annum
		1	Used Oil	Schedule - 1, Cat 5.1	0.012
		2	Cotton Rags	Schedule - 1, Cat 33.2	0.66
		3	Sludge (Leachate)	Schedule - 1, Cat 35.3	33.0
8.2	Consent / Authorization Required for	S. No	Activity	Please tick	
		1	Generation	<input checked="" type="checkbox"/>	
		2	Collection	<input type="checkbox"/>	
		3	Storage	<input checked="" type="checkbox"/>	
		4	Transportation	<input checked="" type="checkbox"/>	
		5	Reception	<input type="checkbox"/>	
		6	Reuse	<input type="checkbox"/>	
		7	Recycling	<input type="checkbox"/>	
		8	Recovery	<input type="checkbox"/>	
		9	Pre-processing	<input type="checkbox"/>	
		10	Co-processing	<input type="checkbox"/>	
		11	Utilization	<input type="checkbox"/>	
		12	Treatment	<input type="checkbox"/>	
		13	Disposal	<input checked="" type="checkbox"/>	
		14	Incineration	<input type="checkbox"/>	
8.3	Technical Capabilities / Facilities	S. No	Capabilities		
8.4	Nature (Characteristics of wastes) and quantity of waste	a) Handled per annum:	Sludge 33.0 MT/Annum, Used Oil 0.012 KL/Annum, Cotton Rags - 0.66 MT/Annum		
		b) Stored at any time:	NA		
8.5	Mode of Management / Disposal of above Wastes	S. No	Disposal	Please tick	
		1.	Secured storage within industrial unit	<input type="checkbox"/>	
		2.	Utilization with in the plants (if not, please provide details of utilization)	<input type="checkbox"/>	
		3.	Common TSDF	<input checked="" type="checkbox"/>	
			Within the State	<input type="checkbox"/>	
			Outside the State	<input type="checkbox"/>	
		4.	Others	<input type="checkbox"/>	
8.6	Arrangement for transportation of H.W. to actual users / TSDF	TSDF			
8.7	Details of the environmental safeguards and environmental facilities provided for safe handling of all the wastes;	Seprate storage area provided			

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8	Hazardous and other wastes Generated as per these rules from storage of hazardous Chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	: NA
8.9	For Treatment, storage and disposal facility (TSDF) operators	<p><b>1. Please provide details of the facility including:</b></p> <p>a) Location of site with layout map :NA Not Attached</p> <p>b) Safe storage of the waste and storage capacity :NA</p> <p>c) Treatment processes and their capacities:NA</p> <p>d) Secured landfills:NA</p> <p>e) Incineration, if any:NA</p> <p>f) Leachate collection and treatment system:NA</p> <p>g) Firefighting systems:NA</p> <p>h) Environmental management plan including monitoring:NA</p> <p>i) Arrangement for transportation of waste from generators:NA</p> <p><b>2. Please provide details of any other activities undertaken at the TSDF site:</b></p> <p>NA</p>

**Note:**

1. In case of renewal of authorization, previous authorization numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable.
2. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of CPCB. Such ERP shall comprise the following, but not limited to:
  - Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property;
  - Implementing the measures necessary to protect persons and the environment;
  - Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available;
  - Arrangements for training staff in the duties which they are expected to perform;
  - Arrangements for informing concerned authorities and emergency services; and
  - Arrangements for providing assistance with off-site mitigatory action.
3. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste.

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For Recyclers or pre-processors or co-processors or users of hazardous or other wastes)	a) Nature and quantity of different wastes received per annum from domestic sources or imported or both	: NA
	b) Installed capacity as per registration issued by the District Industries Centre or any other authorized Government agency.	: Not Attached
	c) Provide details of secured storage of wastes including the storage capacity.	: NA
	d) Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.).	: Not Attached
	e) Provide details of end users of products or by-products.	: NA
	f) Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste	: NA
	g) Provide details of occupational health and safety measures:	: NA
	h) Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines.	: NA
	i) Arrangements for transportation of waste to the facility:	: NA
8.11 Any relevant information not Covered in the above items	: NA	

**PART E: PAYMENT DETAILS**

<b>9.0 Payment Details</b>		: Online
9.1	Payment Mode	: Payment will be done On Single Window Portal
9.2	Transaction Details in case of online	: Amount(Rs): Draft No: In favour of: Bank Name: Date:
9.3	Draft details in case of offline	: Rs.170000.0
9.4	Amount of Fee paid	: Rs.170000.0

**DECLARATION**

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I/We declare that the above furnished information is true and correct to the best of my/our knowledge. I/We am/ are aware that furnishing any wrong information is punishable under Section 38(f) of the Air (Prevention & Control of Pollution) Act, 1981, Section 42(f) of the Water (Prevention & Control of Pollution) Act, 1974 and Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016.

b. I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I/ We am/are aware that the violations of Section 21 attract penal provisions under the relevant provisions of the Air (Prevention & Control of Pollution) Act, 1981, the violations of Section 25 attract penal provisions under the relevant provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016.

c. I / We herewith submit an affidavit on the basis of which consent to Operate will be issued to me/us and I/ We will be held responsible under Section 39 of the Air (Prevention & Control of Pollution) Act, 1981/under Section 45(A) of the Water (Prevention & Control of Pollution) Act, 1974 & Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016 or any misleading / wrong representation.

d. I / We undertake to furnish any other information within one month of its being called by the State Board.

UPPCB

Date: 2025-09-16

Place: Ghaziabad

Name & Signature of the Occupier/

Authorized Signatory

Shubham Goel

**Mandatory Documents to be enclosed for grant of Consent to Operate:**

**1. Licenses / Certificates:**

**(a) Legal Status of Company:**

- Partnership / Proprietary / Company etc.; or
- SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

**(b) Location of the Project:**

- Industrial Area: Allotment letter from the respective Industrial Area Development Board /Corporation / Land Possession Certificate; or
- Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

**(c) Mining Project:** Mineral Mining Lease permission granted by the Department of Mines SS & Geology, if applicable;

**(d) Environmental Clearance** issued by the competent authority

**(e) Investment:** Chartered Accountant Certificate about proposed Capital Investment.

**2. Technical Details:**

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- i. Environmental Impact Assessment Report, submitted to SEIAA of State Govt or Govt of India
  - ii. Project report comprising manufacturing process ,raw materials, wastewater generation from various activity, effluent treatment plant, Fuel used, Sources of emission and air pollution control devices proposed
- 3. Compliance report of the consent to establish / consent to operate for expansion and renewal, as applicable.**

**Document List-**

Bank Guarantee  
Balance sheet Or CA Certificate  
Agreement Copy  
Compliance Report  
Letter



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य उपस्थित हो सकते हैं। पात्रता के लिए [www.kvsangathan.nic.in](http://www.kvsangathan.nic.in) पर जाएं।  
प्राचार्या



# GHAZIABAD MUNICIPAL CORPORATION

Navyug Market, Opp. Old Bus Stand Ghaziabad 201001, Uttar Pradesh  
E-mail: [gzb.nagar.nigam@gmail.com](mailto:gzb.nagar.nigam@gmail.com) Website: [www.ghaziabadnagarnigam.in](http://www.ghaziabadnagarnigam.in)

निविदा नोटिस संख्या 2334 / स्वा0 / 2025-26

दिनांक .06.09.2025

## E-TENDER

Name of the Project	Selection of contractors for Supply, Installation, Commissioning of 2000 TPD Municipal Solid Waste extendable up to 3000 TPD (Wet & Dry) processing plant at Ghaziabad and It's Operation & Maintenance for a period of Minimum 07 Years.
Earnest Money Deposit	Rs. 8,00,000 to be paid on E-tender website i.e. <a href="https://etender.up.nic.in">https://etender.up.nic.in</a>
Tender Fee	Rs. 11800/- including GST to be paid on E-tender website i.e. <a href="https://etender.up.nic.in">https://etender.up.nic.in</a>
Bid System	Two Bid System (Technical & Financial)
Name of the Authority & Official	Municipal Commissioner, Municipal Corporation Ghaziabad, <a href="mailto:Gzb.nagar.nigam@gmail.com">Gzb.nagar.nigam@gmail.com</a>
Bid Validity Period	180 Days
Bid Currency	INR
<b>Key Dates</b>	
Uploading of Bid	08.09.2025
Pre-bid Date and Venue	16.09.2025 01:00 PM, H.O. Ghaziabad Nagar Nigam
Last Date of bid submission on e-portal	23.09.2025 02:00 PM
Date of Technical bid opening	23.09.2025
Date of Financial bid opening	To be informed at later stage

**Municipal Commisioner**  
**Municipal Corporation Ghaziabad**

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गाजीपुर नगर निगम

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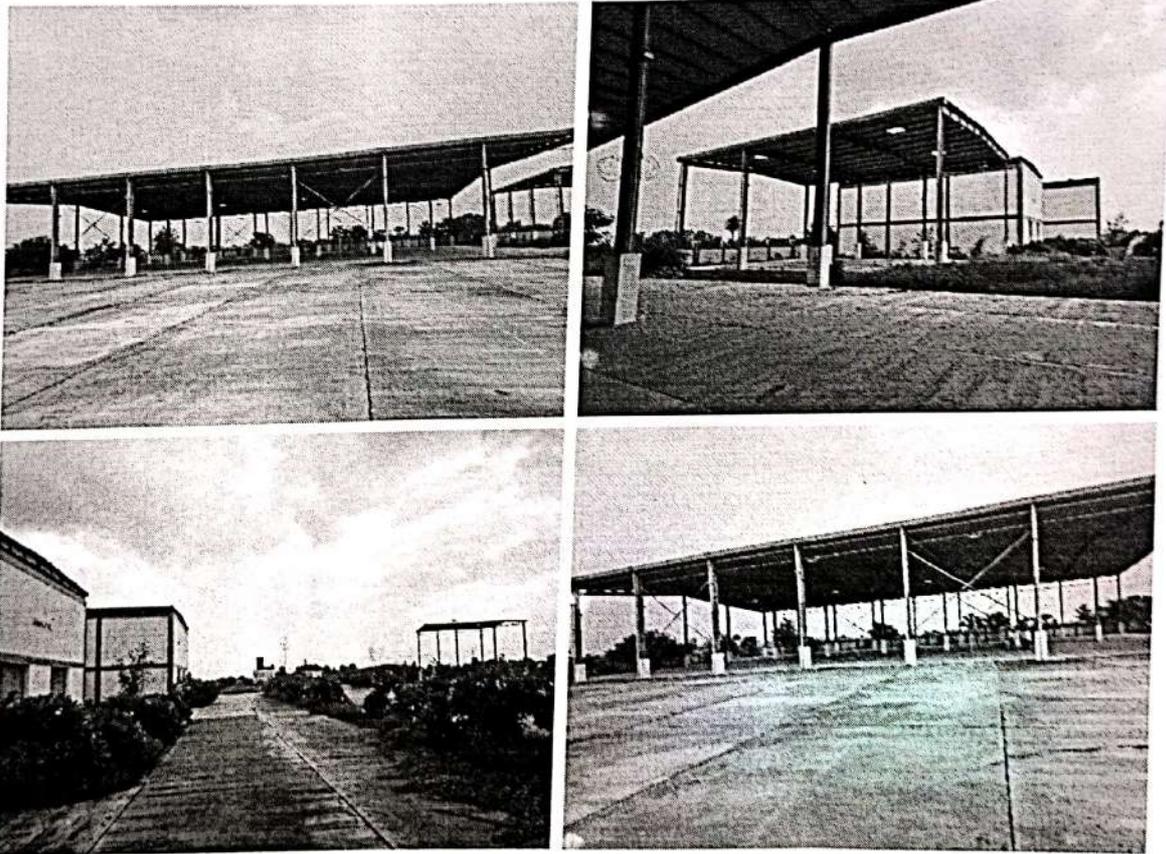
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**Title: MSW Waste Processing Project Site Updates****Project Site 1: Loni Project Site**

Sr. No	Details	Status as on Date
1	Project Name	Supply, Installation, Commissioning of 2000 TPD Municipal Solid Waste extendable up to 3000 TPD (Wet & Dry) processing plant at Ghaziabad and its Operation & Maintenance for a period of minimum 07 Years
2	Handover Letter & Date	Letter from GoUP Dated 21st August 2025 (Letter)
3	Area Detail (Total Area)	8.2650 Ha.
4	Project Update	The tender for waste processing with a capacity of 2000 to 3000 TPD had been floated, both the technical and financial evaluations had been completed. Negotiations with the vendor are currently in progress, and the work order is expected to be issued within a week.
5	Project Tenure	7 Years (Extendable up to 3 Years on performance basis)

\*Annexure Enclosed (Handover Letter, Advertisement Copy)

Photos:



  
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**Project Site 2: Khoda Makkanpur**

Sr. No	Details	Status as on Date
1	Project Name	Setting up Compressed BioGas (CBG) Plant in Ghaziabad
2	Handover Letter & Date	Letter from GoUP Dated 29th September 2025
3	Area Detail in Ha. (Total Area)	2.50 Ha.
4	Project Update	GNN is partnering with Indraprastha Gas Limited (IGL) to set up a 200 to 300 TPD Bio-CNG plant for processing municipal solid waste. GNN has also written to IIT Delhi to get expert suggestions on the best technology for the project, and the communication is currently ongoing.

\*Annexure Enclosed (Handover Letter)

**Photos:****Project Site 3: Bhikkanpur Pipeline Road**

Sr. No	Details	Status as on Date
1	Project Name	Handling, Storage, Processing and Scientific Disposal of Municipal Solid Waste (MSW), comprising of Municipal Solid Waste as per SWM Rules, 2016
2	Date of closure	05th July 2025
3	Quantity as on Closure Date	3.70 Lakh MT as on 5th July 2025
4	Quantity as per IIT Delhi Survey Report as on Date	2.23 Lakh MT as on Date 14.10.2025 (1.98 Lakh MT as on 30.10.2025)
5	Project Update	Expected Completion: 31st March 2026

MW  
नगर स्वास्थ्य अधिकारी  
गाजियाबाद नगर निगम

**Project Site 4: Dabarsi Processing Site**

Sr. No	Details	Status as on Date
1	Project Name	Handling, Storage, Processing and Scientific Disposal of Municipal Solid Waste (MSW), comprising of Municipal Solid Waste as per SWM Rules, 2016
2	Project Start Date	06th July 2025
3	Area Detail in Ha. (Total Area)	7.50 Ha.
4	Project Update	CTE approval received on 5th April 2025 & CTO applied, the approval is expected to be received in the coming week. The ETP has been commissioned for testing.

\*Annexures Enclosed (CTE Approval Letter)

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राजियाबाद नगर निगम

# 1097 High Court of Judicature at Allahabad

ANNEXURE-3

**PENDING****Case Status - WRIT - PUBLIC INTEREST LITIGATION ( WPIL )-[2281/2021]**

[ Diary/Token No.: ]

Generated on : 02-11-2025 at 10:53:59 pm

<b>Filing No.</b>	WPIL/80942/2021	<b>Filing Date :</b> 26-11-2021
<b>CNR</b>	UPHC011934962021	<b>Date of Registration :</b> 08-12-2021

**Case Status**

<b>First Hearing Date</b>	13th December 2021
<b>Next Hearing Date</b>	
<b>Coram</b>	
<b>Bench Type</b>	Division Bench
<b>Causelist Type</b>	Daily Cause List
<b>State</b>	UTTARPRADESH
<b>District</b>	HAPUR (PANCHSHEEL NAGAR)

**Petitioner/Respondent and their Advocate(s)**

<b>Petitioner</b>	<b>Respondent</b>
1. JANKALYAN KISAN WELFARE SAMITI <b>Advocate</b> - SUNEEL KUMAR RAI(A/S1489/2012 ),SHIV SHANKAR PD GUPTA(A/S1082/2012 ),GIRIJESH KUMAR GUPTA(A/G0104/2012 )	1. STATE OF U.P. AND 6 OTHERS <b>Advocate</b> - C.S.C.(CSC/2012 ),ROHAN GUPTA(A/R1316/2012 ),PRADEEP KUMAR SINGH(A/P0814/2013 ),A.S.G.I.(ASGI/2012 ),HARI NATH TRIPATHI(A/H0211/2012 ),NAGENDRA NATH MISHRA(A/N0351/2012 ),RAVI PRAKASH PANDEY(A/R1874/2013 ),SHREYA GUPTA(A/S0747/2016 )

**Category Details**

<b>Category</b>	PUBLIC INTEREST LITIGATION (370000)
<b>Sub Category</b>	MISCELLANEOUS (370090)

Disclaimer: Status report is based on data available on CCMS servers.

Printed on 02-11-2025 at 10:53:09 pm

In the Hon'ble High Court of Judicature At  
Allahabad

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In

Public Interest Litigation (PIL) NO. \_\_\_\_\_ OF 2021

(Under Article 226 of Constitution of India)

(District - Hapur)

Jankalyan Kisan Welfare Samiti .....Petitioner

Versus

State of Uttar Pradesh and others.....Respondents

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Dated: 23/11/2021

(SABYA SACHEE RAI) (SUNEEL RAI)

Advocates

Adv. Roll. No. A/S. 1489/12

Counsel for the Petitioner

Old Study Room, Library Hall North Verandah

High Court Allahabad

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In the Hon'ble High Court of Judicature At  
Allahabad

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Dates and Events

In

Public Interest Litigation (PIL) NO. OF 2021

(under article 226 of the Constitution of India)

(District - Hapur)

Jankalyan Kisan Welfare Samiti .....Petitioner

Versus

State of Uttar Pradesh and others.....Respondents

\*-\*-\*-\*-\*

Sl. No.	Dates	Events
1.	15.02.2000	Writ Petition No. 888 of 1996 (Almitra H. Patel vs. Union of India in which on the directions issued by the Hon'ble Supreme Court, the Central Government had taken a decision to give 100% financial grants to establish Solid Waste Management Plants in the cities where the Air Force Stations of Indian Air Force are established.
2.	25.09.2000	Ministry of Forest and Environment, Government of India issued Notification No. S.O./908 (3) notifying the Municipal Solid Waste (Management and Handling) Rules 2000 entrusting the responsibility of construction of SWMP to the municipal authorities.
3.	05.09.2001	U.P. Pollution Control Board gave a notice to Nagar Nigam to ensure the compliance of Rule 4(1) of the Rules of 2000 for construction of SWMP.
4.	04.10.2001	Secretary, Urban Development, Government of UP wrote letters to all District Magistrates and Nagar Nigam to comply with the directions of the Hon'ble Supreme Court.
5.		G.D.A., in spite of receipt of the letters from the Ministry of Environmental Forest, Government of India, Secretary Urban Development, Government of UP and UP Pollution Control Board, did not identify and hand over the land to Nagar Nigam, Ghaziabad.
6.		the experts of HUDCO; the adviser of CPHO of

		the Urban Development and Poverty Eradication Ministry of Government of India; the representatives of the Hindan Air Force Station Officer, Ghaziabad and the Regional Manager of the UP Pollution Control Board made a joint inspection in which they found that the land in village Dundahera (14 acres) vested in Nagar Nigam and 33 acres land belongs to Gram Sabha in village Chipiyana to be suitable for construction of SWMP.
7.	16.04.2004	Shri V.P. Singh, representative of the Air Force Station, Hindan, Ghaziabad in the Land Selection Committee issued a no objection certificate for establishing SWMP in Villages Dundahera and Chipiyana.
8.	11.08.2004	The Principal Secretary, UP Pollution Control Board by his letter issued a letter of no objection to the selection of site for construction of SWMP in villages Dundahera and Chipiyana.
9.	20.10.2004	Nagar Nigam, Ghaziabad handed over possession of 14 acres of land in village Dundahera after its identification to the Project Director, Jal Nigam in pursuance to his letter dated 14.10.2004 for construction of SWMP vide a Dakhalnama.
10.	20.11.2004	the Chief General Manager(C&DC) requested the Ministry of Urban Development and Poverty Eradication to make available the remaining land of Chipiyana after requisition and enclosing a map of the land in village Chipiyana.
11.	12.07.2005	the Director (Executive), Ansal Landmark Township (P) Ltd, New Dehli gave a letter to the Nagar Nigam to provide the same 14 acres of land in village Dundahera to the company for developing township. The Nagar Nigam did not consider the letter as it had already given possession of the land for construction of SWMP.

12.	01.03.2006	Shri Anil Kumar Tyagi, stated to be an employee of M/s Crossing Infrastructure Private Limited claiming to be resident of village Dundahera, filed Writ Petition No. 12496 of 2006 without impleading Nagar Nigam, Ghaziabad alleging that the construction of SWMP is being raised against the land use in the Master Plan. The writ petition was disposed of directing the GDA to decide the representation and on which the Vice Chairman, GDA issued a letter on 7.4.2006 to Nagar Nigam to present its case before him. A detailed objection giving all the aforesaid facts along with the plans, maps of SWMP, the proposed land fill sites and buffer zone surrounding the SWMP was presented before the Vice Chairman, GDA.
13.	27.05.2006	By the order the Vice Chairman, GDA rejected the representation of the Nagar Nigam purportedly on the directions of the Court to decide the representation.
14.	18.11.2006	In the Board meeting of the GDA, the site plans for Integrated Township Schemes were approved including the site plan submitted by APIL including the 14 acres of land in village Dundahera.
15.	04.11.2008	M/s Crossing Infrastructure Private Limited filed Writ Petition No. 54790 of 2008 for not constructing dumping yard at Dundahera. This writ petition was disposed of with observations that there appears to be no dispute about the situation as the land use of the area in the Master Plan has not been changed. The Court restrained the respondents to install / create / establish dumping yard so long the user of the land is not changed.
16.	21.10.2009	the State Government by notification the land use of 14 acres land in village Dundàhera has been changed as dumping yard.
17.	09.07.2010	Taking advantage of the interim orders passed

		by the High Court, the petitioners persuaded the GDA to move the State Government for acquisition of the land in village Galand at the cost to be deposited by the developers including the petitioners. The State Government, without knowledge of the developments as aforesaid and the construction of the SWMP by the Nagar Nigam at village Dundahera and the change of land use at Dundahera, proposed acquisition and issued notifications under Section 4 read with Section 17 (1) and (4) dated 9.7.2010 and thereafter issued notification under Section 6 read with Section 17 (1) dated 10.11.2010 for acquisition of 34.213 hectare of land in village Galand, Tehsil Hapur, District Ghaziabad now Hapur for which the no objection certificate was not given by the Air Force Station, Hindan Air Base, Ghaziabad,
18.	30.08.2011	ultimately seven petitions filed by the developers and their proxy were heard along with the petition No. 1836 of 2011 (Ram Bhul and others vs. State of UP and others) challenging the acquisition of 34.213 hectares of land at village Galand, Tehsil Hapur, District Ghaziabad at present Hapur, and petitions filed by the developers for shifting the SWMP from Dundehera to Galand were dismissed with cost of Rs.2 crore 21 lacs and petition No. 1836 of 2011 against acquisition of land at Galand was allowed by this Hon'ble court by the order.
19.	03.11.2021	Petitioner filed representation against the construction of the SWMP at village Galand District Hapur but no heed was paid.
Hence this public Interest Litigation		

In the Hon'ble High Court of Judicature At  
Allahabad

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Civil Misc. (Stay) Application No. \_\_\_\_\_ of 2021

(Under Chapter XXII Rule 1 of the Allahabad High Court Rules-1952)

IN

Public Interest Litigation (PIL) NO. \_\_\_\_\_ OF 2021

(under article 226 of the Constitution of India)

District- Hapur

Jankalyan Kisan Welfare Samiti

Through its president Rajiv Tomar

NH-9, Jindal Nagar, School Msrket, Galand Hapur.

.....Petitioner

Versus

1. State of U.P. through Principal Secretary Urban Development Lucknow.
2. District Magistrate, Hapur,
3. Nagar Nigam Ghaziabad through its Municipal Commissioner.
4. Ghaziabad Development Authority Ghaziabad through its Vice Chairman.
5. The Secretary, U.P. Pollution Control Board, Lucknow.
6. Union of India through The Secretary Ministry of Environment New Delhi.
7. G. C. Solutions P. Ltd. Regus Elegance 2F, Elegance Jasola District Centre, old Mathura Road, New Delhi. through its director T.G.W. Gleling

.....Respondents

To,

The Hon'ble Chief Justice and his other companion judges of the aforesaid court.

The humble application of the above named applicant most respectfully showeth as under:

1. That full facts and circumstances of the case have already been narrated in the accompanying writ petition which may forms part of this application.

2. That in view of the facts and circumstances stated in the accompanying Writ Petition it is expedient in the interest of justice that this Hon'ble court may graciously be pleased to issue an interim mandamus commanding the respondents not to proceed in any manner or give effect to the proposed construction of Solid waste management plant at Village Galand and Pipalkhera Tahsil Dhaulana District-Hapur by respondent No.7 on the basis of lease deed dated 19.11.2019 During pendency of the writ petition before this Hon'ble court.

**P R A Y E R**

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue an interim mandamus commanding the respondents not to proceed in any manner or give effect to the proposed construction of Solid waste management plant at Village Galand and Pipalkhera Tahsil Dhaulana District-Hapur by (respondent No.7) on the basis of lease deed dated 19.11.2019 During pendency of the writ petition.

And/or pass such other and further order as this Hon'ble court may deem fit and proper in the circumstances of this case, during the pendency of the present writ petition, otherwise the Applicant/Petitioner shall suffer an irreparable loss and injury.

Date. /2021

(Suneel Rai and Sabya Sachee Rai)

Advocates

(Counsel for the Petitioner)

(M/s. G.C. International)

In the Hon'ble High Court of Judicature At  
 . Allahabad  
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Public Interest Litigation (PIL) NO. \_\_\_\_\_ OF 2021  
 (under article 226 of the Constitution of India)  
District- Hapur

Jankalyan Kisan Welfare Samiti  
 Through its president Rajiv Tomar  
 NH-9, Jindal Nagar, School Msrket, Galand Hapur.

.....Petitioner

Versus

1. State of U.P. through Principal Secretary Urban Development Lucknow.
2. District Magistrate, Hapur,
3. Nagar Nigam Ghaziabad through its Municipal Commissioner.
4. Ghaziabad Development Authority Ghaziabad through its Vice Chairman.
5. Secretary, U.P. Pollution Control Board, Lucknow.
6. Union of India through the Secretary Ministry of Environment New Delhi.
7. G. C. Solutions P. Ltd. Regus Elegance 2F, Elegance Jasola District Centre, old Mathura Road, New Delhi. through its director T.G.W. Gleling

.....Respondents

To,

The Hon'ble the Chief Justice and his other companion  
 Judges of the aforesaid court

The humble petition of the above named petitioner most respectfully submits as under:

1. That this first writ petition is filed seeking indulgence of this Hon'ble Court for issuing of writ of certiorari calling for the records of the case and quash the.
2. That the petitioner further declares that the petitioner has not filed any other writ petition for the present cause of action nor any caveat application has been served upon the petitioner.

3. That the petitioner is a society of farmers Registration No.HPU/09263/2021-22 to protect the common cause of villagers and vigilant resident of the area of Tahsil Dhaulana District Hapur. And as per sub rule-3-A in chapter XXII, Rule-1, the deponent is to state that the deponent has no personal or private interest in the present matter and the result of litigation will not lead to any undue gain to deponent or any other person related or associated with deponent or any undue loss to any other person, body of persons of the states.
4. That the petitioner further declare that in view of the judgment of Hon'ble Supreme Court reported in **State of Uttaranchal Vs Balvant Singh Chaufal reported in 2010 AIR Supreme Court weekly page 1029** and as per the aforesaid judgment amendment is incorporated in the High Court Rules Sub Rule (3A) of Rule 1 of Chapter XXII of the Allahabad High Court Rules, 1952 fulfill the requirements.
5. That the petitioner is filing the present writ petition for social cause, and for protection of environment from pollution likely to be caused by the construction of solid waste management plant herein after shall be referred as SWMP only in order to protect the interest of developers at the cost of Government exchequer and to restrain the Respondents to act ultra virus and unlawful manner and in the teeth of the Constitution of India and Hon'ble Supreme Court decisions. Due to which resident of 20 village of the area are facing serious threat of environment pollution likely to be caused due to illegal construction of SWMP at village Galand tehsil Dhaulana District Hapur. More over due to visible corruption the State is going to get a heavy financial loss of public money for a tiny group of persons.
6. That a writ petition was filed in the Hon,ble Supreme Court in public interest being Writ Petition No. 888 of 1996 (Almitra H. Patel vs. Union of India in which on the directions issued by the Hon'ble Supreme Court, the Central Government had taken a decision to give 100% financial grants to establish Solid Waste Management Plants in the cities where the Air Force Stations of Indian Air Force are established. The grant was given to avoid accidents of the aircrafts on account of bird hits

which are mostly found in the area where the solid waste is dumped all around cities. A copy of the order dated 15.02.2000 passed by Hon'ble Supreme court is being filed herewith and is marked as Annexure No.1 with this petition.

7. That Ministry of Forest and Environment, Government of India issued a Notification No. S.O./908 (3) dated 25.9.2000 notifying the Municipal Solid Waste (Management and Handling) Rules 2000 entrusting the responsibility of construction of SWMP to the municipal authorities. The Central and State Pollution Control Boards were required to monitor the compliance of the standard and in case the area falls within the jurisdiction of development authorities, para-1 of Schedule III under Rule 6 (1) and (3); 7 (2) were made responsible to identify the Landfill Sites and to hand over the sites to the concerned Municipal Authorities for development/operation and maintenance. Elsewhere this responsibility was to lie with the concerned development authority. Detailed provisions were made for prevention of pollution including Water Quality Monitoring and Ambient Air Quality Monitoring by the Pollution Control Boards and the plantation at landfill site. The Rules also provide for closure of landfill site and post-care and standard for composting, treated leachates and incineration in Schedule (IV). A copy of the Municipal Solid Waste (Management and Handling) Rules 2000 dated 25.9.2000 is being filed herewith and is marked as Annexure No. 2 with this petition.
8. That the U.P. Pollution Control Board gave a notice on 5.9.2001 to Nagar Nigam to ensure the compliance of Rule 4(1) of the Rules of 2000 for construction of SWMP.
9. The Secretary, Urban Development, Government of UP wrote letters on 4.10.2001 to all District Magistrates and Nagar Nigam to comply with the directions of the Hon'ble Supreme Court.
10. That G.D.A., in spite of receipt of the letters from the Ministry of Environmental Forest, Government of India; Secretary, Urban Development, Government of UP and UP Pollution Control Board, did not identify and hand over the land to Nagar Nigam, Ghaziabad. A request in this

- for construction of SWMP in villages Dundahera and Chipiyana.
16. That Municipal Commissioner, Nagar Nigam, Ghaziabad informed the Urban Development Department, Government of UP in pursuance to the meeting with the concerned Secretary of Ministry of Urban Development and Poverty Eradication, Government of India dated 5.7.2004 that 14 acres of land is available in village Dundahera and for 33 acres of land a proposal for acquisition has been forwarded to the District Magistrate/Commissioner.
  17. That the Principal Secretary, Urban Development, Government of UP constituted a Committee for construction of SWMP in accordance with the plan prepared by HUDCO for Ghaziabad and Bareilly cities. The committees were constituted on 20.9.2004 separately for Ghaziabad and Bareilly after which on 3.8.2004 a clarification was sent to the Principal Secretary, Environment, Government of UP in reply to show cause notice.
  18. That Nagar Nigam, Ghaziabad handed over possession of 14 acres of land in village Dundahera after its identification on 20.10.2004 to the Project Director, Jal Nigam in pursuance to his letter dated 14.10.2004 for construction of SWMP vide a Dakhalnama. On 20.11.2004 the Chief General Manager(C&DC) requested the Ministry of Urban Development and Poverty Eradication to make available the remaining land of Chipiyana after requisition and enclosing a map of the land in village Chipiyana.
  19. That in the year 2005 in the meetings dated 17.1.2005 under the Chairmanship of the Principal Secretary, Environment, Government of UP, decisions were taken to direct the Executive Engineer, Awas Evam Vikas Parishad, Ghaziabad and Vice Chairman as well as Secretary, GDA on 24.1.2005 and 25.2.2005 respectively to make the land available to Ghaziabad Nagar Nigam for SWMP. In all these meetings the representatives of the Ghaziabad Development Authority including the Engineers were present.
  20. That the State Government declared a Policy on 21.5.2005 for Land Acquisition and Development for Housing Schemes in the urban areas of the State by investment of private capitals. The State Government, taking into account the

- need for 16 lacs housing unit in the 10<sup>th</sup> Five Year Plan decided to create a new housing stocks for which it found it necessary to invite private investment. The scheme provided for (a) Bulk Land Allotment Scheme and (b) Licensed Based Development Permission Scheme. M/s APIL got itself registered under the scheme as a Category 'A' private developer and submitted a DPR which was approved in the Board meeting of GDA on 13.9.2006 along with Crossing Infrastructure Private Ltd (Consortium); Agarwal Associates (Consortium); Summer Construction Limited (Consortium) and S.N.S.V. Agencies Private Limited (Consortium). In the Board meeting of the GDA dated 18.11.2006, the site plants for Integrated Township Schemes were approved including the site plan submitted by APIL including the 14 acres of land in village Dundaheera with condition No. 12 in the letter of the Chief Architect and City Planner, GDA dated 19.1.2007 that the matter relating to 14 acres of LMC land in the licensed area is under consideration at the level of the State Government and on which the decision of the State Government will be binding.
21. That the DPR issued to M/s APIL on 19.1.2007, was only in respect of 60% of the land owned by M/s APIL vide Boards meeting dated 18.11.2006. On 30.1.2008 Shri P.N. Misra, Vice President of M/s APIL gave an affidavit stating therein that M/s APIL will accept the decision of the State Government in respect of 14 acres of land in village Dundaheera.
  22. That the Director (Executive), Ansal Landmark Township (P) Ltd, New Dehli gave a letter to the Nagar Nigam on 12.7.2005 to provide the same 14 acres of land in village Dundaheera to the company for developing township. The Nagar Nigam did not consider the letter as it had already given possession of the land for construction of SWMP.
  23. That Having failed to get the ownership of the land from GDA and Nagar Nigam, Ghaziabad M/s APIL and the other companies instigated the villagers to start demonstration. On the intervention of the District Magistrates, Ghaziabad and Gautam Budh Nagar, the residents of the local area stopped their agitation. Shri Anil Kumar Tyagi, stated to be an employee of M/s Crossing Infrastructure Private

Limited claiming to be resident of village Dundaheera, filed Writ Petition No. 12496 of 2006 without impleading Nagar Nigam, Ghaziabad alleging that the construction of SWMP is being raised against the land use in the Master Plan. The writ petition was disposed of on 1.3.2006 directing the GDA to decide the representation and on which the Vice Chairman, GDA issued a letter on 7.4.2006 to Nagar Nigam to present its case before him. A detailed objections giving all the aforesaid facts along with the plans, maps of SWMP, the proposed land fill sites and buffer zone surrounding the SWMP was presented before the Vice Chairman, GDA. The GDA fixed on 28.4.2006 for hearing. The date was adjourned to 5.5.2006. When the Municipal Commissioner and the Superintendent (Law Property) went to the office of the Vice Chairman, GDA on 5.5.2006, they were informed that the Vice Chairman is not present and that the hearing will be held on 10.5.2006. On 10.5.2006 the office was closed due to local holiday on account of 'Saheed Diwas' and thereafter no information was given.

24. That By the order dated 27.5.2006 the Vice Chairman, GDA rejected the representation of the Nagar Nigam purportedly on the directions of the Court to decide the representation and on the ground that when meetings were held for finalizing the Master Plan, no one from Nagar Nigam had raised objections that the land has been selected, reserved and on which the construction of SWMP has been started by the Nagar Nigam after the site was handed over on 20.10.2004. The Master Plan approved by the State Government had reserved the land use in village Dundaheera as residential. The Vice Chairman observed that there are ten sites reserved for sewage treatment, water purification and solid waste management in the development area of Ghaziabad.
25. That a review petition was moved by the Nagar Nigam on which the GDA passed an order on 27.5.2006 to refer the matter to the State Government. At this stage the same Shri Anil Kumar Tyagi, who appears to have knowledge of all the proceedings, filed another Writ Petition No. 57172 of 2006 in which the Court expressed an opinion that if the Nagar Nigam was aggrieved by the order dated

27.5.2006, it should have challenged the order before the appropriate authority. A writ of mandamus was issued not to undertake any construction work of dumping yard as directed by the Vice Chairman, GDA on 27.5.2006 and that if any review petition is pending before the GDA, the same shall be decided within six weeks.

26. That the Vice Chairman, GDA again considered the matter for review and rejected the application on 20.11.2007. The GDA accepted the stand taken by M/s APIL that according to the policy of the State Government, which has acquired 60% of the land directly from the farmers and had requested that in pursuance to the decision taken in the meeting of GDA on 13.9.2006 the scheme for township was accepted. When the Master Plan 2021 was approved on 14.7.2005, the Municipal Commissioner was present. He had signed the proceeding without raising any objections. The GDA also observed that the licensee builder had sold the land after which third party interest accrued on this 14 acres of land and that since the SWMP will require at least 42 acres of land, whereas only 14 acres of land is available on the spot.
27. That the GDA thereafter approached the Inspection Officer, Air Force Officer, Hindan, Ghaziabad for construction of SWMP at village Dasna and Shahpur. The Air Force Station Hindan by its letters dated 25.7.2008 and 12.9.2008 refused to grant permission on the ground that Dasna is along with the extended center line and approach path for aircraft landing at Hindan air field. It is at a distance of 15 Kms from the boundary wall of the station. The aircraft making the approach would be low in height over passing over this site and would be affected by its associated bird activity. The Air Force Station requested not to select the site within the approach funnel which is extended up to 20 Kms from run way and re-affirmed that any site in the vicinity of Dundahera or Chipiyana Burj would be good option. It also informed that Shahpur is at a distance of 8 Kms and as per Aircraft Act 1934 no waste dump can be less than 10 Kms from any air field. The Wing Commander Vishal Chaudhari also informed in his letter dated 12.9.2008 that proposed site at village Shahpur is located on the circuit flying pattern

for aircraft apparent from the air field. No waste dump can be allowed in the circuit pattern due to acute bird hazard associated with it enclosing the local flying area and circuit area. The objections were taken for construction of any waste dump in the north, north-east, and east as construction of waste dump would be hazard for flying operations.

28. That at this stage M/s Crossing Infrastructure Private Limited filed Writ Petition No. 54790 of 2008 for not constructing dumping yard at Dundahera. This writ petition was disposed of on 4.11.2008 with observations that there appears to be no dispute about the situation as the land use of the area in the Master Plan has not been changed. The Court restrained the respondents to install / create / establish dumping yard so long the user of the land is not changed. At this stage the GDA realized that the construction of SWMP on the land of Nagar Nigam in village Dundahera is a scheme of Government of India and is directly related to policy matter and as such it referred the matter to the State Government. The State Government by its order dated 12.12.2008 directed the GDA to invite objections under sub-section (3) of Section 13 of UP Urban Planning and Development Act, 1973, to dispose of the objections and suggestions and to send its recommendation to the State Government. The GDA held a public hearing for change of land use and after hearing all concerned including Shri Anil Kumar Tyagi the residents of village Shahberi, Dundahera, Chipiyana, representatives of builders including the petitioner M/s APIL and M/s Crossing Infrastructure Pvt. Ltd, the academic institutions and others made recommendations to change the land use of 14 acres of land in village Dundahera giving reasons which have been mentioned as above.
29. That the State Government accepted the recommendations and by notification dated 21.10.2009 the land use of 14 acres land in village Dundahera has been changed as dumping yard. By the amendment application the notification dated 21.10.2009 has also been challenged.
30. That in the meantime a subsidiary-associated company of APIL namely Ansal Landmark Township Private Limited sold away the 14 acres of land in village Dundahera to 133

persons by plotting the land in the name of "Acquapolis" Scheme C Block." When they raised objections, meetings were held on 13.11.2009 at the company office of the developer in which offers were given to the persons interested in getting an alternate in the same colony. The company explained that they are pursuing the matter in the High Court at Allahabad for cancellation of the Government notification. If no relief is given by the Court, then the company will try to revise the lay out plan of the project in such a way that the affected allottees are accommodated in the same scheme and for that purpose the company will submit a revised lay out plan with GDA. An interim order was passed in this writ petition on 13.1.2009 not to take any action against the petitioner till the next date of listing. A further detailed order was passed on 14.5.2009.

31. That despite the change of land use by notification dated 21.10.2009, taking advantage of the interim orders passed by the High Court, the petitioners persuaded the GDA to move the State Government for acquisition of the land in village Galand at the cost to be deposited by the developers including the petitioners. The State Government, without knowledge of the developments as aforesaid and the construction of the SWMP by the Nagar Nigam at village Dundahera and the change of land use at Dundahera, proposed acquisition and issued notifications under Section 4 read with Section 17 (1) and (4) dated 9.7.2010 and thereafter issued notification under Section 6 read with Section 17 (1) dated 10.11.2010 for acquisition of 34.213 hectare of land in village Galand, Tehsil Hapur, District Ghaziabad now Hapur for which the no objection certificate was not given by the Air Force Station, Hindan Air Base, Ghaziabad, which was under challenge in Writ Petition No. 1836 of 2011 (Ram Bhul and others vs. State of UP and others).
32. That the Chief Architect and Town Planner, Ghaziabad has passed the revised DPR of M/s APIL on 7.7.2011 and the site plan for the net licensee area of 140.63 acres after its approval in the meeting of GDA on 25.4.2011 with about 40 conditions with condition nos. 5, 13 and 18 providing for restriction to raise constructions/development on 14

acres of land of Nagar Nigam reserved for dumping yard until the land use is not converted as residential and the land is not handed over to the developers. It further states that the developer will have to maintain status quo of the land until the High Court passes final order and will have to comply with the order of the High Court. Condition no. 7 provides that in the subject lay out plan the Gram Samaj/Government land area 15.6204 acres will be kept in the same condition until the land is not requisitioned lawfully and for which the Nagar Nigam, Irrigation Department and District Magistrate, Ghaziabad will be fully responsible. Until then no construction will be constructed on the land. Condition no. 13 provides that the developer will be responsible for all land records and the facts proved by it. In case any information found to be incorrect, the approval will be terminated. The GDA will also not be responsible for any land dispute and khasra numbers affected by the suit pending in the High Court will be kept in the same condition on which the construction will not be permitted. Condition no. 18 provides that the dumping yard is proposed for solid waste disposal in village Galand, the expenses for which to be born will be proportionately paid by the developers as and when demanded from them.

33. That M/s APIL-the petitioner has filed supplementary affidavits enclosing letters informing Chief Architect and Town Planner that it has already deposited Rs. 21.50 lacs and a further amount of Rs. 13.50 lacs, total Rs. 35 lacs toward 50% proportionate amount for proposed expenses of acquisition of land in village Galand on National Highway No. 24 in response to the letter of the Chief Architect and Town Planner, GDA dated 24.7.2010.
34. That the facts, narrated as above and summarized demonstrate the manner, in which the Ghaziabad Development Authority on the representations made by the builders and developers, have included the 14 acres of land of Land Management Committee of village Dundahera belonging to Nagar Nigam, Ghaziabad in their DPR. Having full knowledge of the facts, that in pursuance to the directions issued by the Supreme Court, the land in village Dundahera has been selected for construction of SWMP, and that the work

of SWMP has started on 100% grants given by the Central Government under supervision of the Urban Development Department of the State Government and UP Pollution Control Board, the GDA rejected the representations of Nagar Nigam and the review petition, against the statutory duties imposed on it under the Municipal Solid Waste (Management and Handling) Rules, 2000, to allow private developers to usurp the land and to sell it to the third parties. Repeated writ petitions were filed by the private individuals having close connection with the builders and after the change of land use was proposed by the State Government by the builders to stall the constructions of SWMP. The GDA thereafter recommended for change of land use on which the Notification was issued for changing the land use under Section 13 of the U.P. Urban Planning and Development Act, 1973. Despite these developments the GDA not only proposed change of site of the construction of the SWMP from village Dundahera but also approved in its Board meeting dated 24.5.2011 and issued a revised DPR and lay out plan on 7.7.2011 to M/s APIL including the land in village Dundahera subject to the decision to be taken by the High Court after getting Rs.35 lacs deposited towards the cost of acquisition of the land in village Galand at a new site, towards 50% cost of acquisition for which the Air Force had raised strong objections.

35. That it is also strange and surprise on the acquisition of land in village Galand, Tehsil and District Hapur, for construction of dumping yard for solid waste management at the cost of private builders and deposit by them of the cost of acquisition of land. The notifications acquiring the land do not specify the authority, which will develop the land apparently on the ground that the area falls under the development area of Hapur Pilkhua Development Authority, which is developing two residential colonies nearby. The acquisition, for which the cost was being paid by the developers with their plans to usurp the land in village Dundahera, and for which the acquiring body has not been specified for construction of dumping yard and solid waste management, was wholly illegal and is contrary to the scheme of the Land Acquisition Act. Under

the Municipal Solid Waste (Management and Handling) Rules, 2000, the SWMP, is to be planned, constructed and managed by the Nagar Nigam. The Development Authority is only required to select the site. The land in village Galand is not within municipal area of Nagar Nigam, Ghaziabad, nor the Nagar Nigam has funds or authority to transfer the grant given by Government of India, and to utilize the unused grant for constructing SWMP at village Galand, for which the Air Force Authorities have raised strong objections. The State Government has not considered these aspects before issuing notifications under Section 4 (1) read with Section 17 (1) and (4) and Section 6 (1) read with Section 17 (1) of the Land Acquisition Act.

36. That the Ghaziabad town with population of more than 4 million bordering the State of Delhi, is the fastest developing town in the State of UP, and falls in national capital region. The Nagar Nigam, Ghaziabad as the municipal authority is under obligation to establish SWMP and land filling sites. The initiative was provided before the issuance of the Rules of 2000 under the Environmental Protection Act, 1996, by the Supreme Court additionally on the ground of saving aircrafts, from the accidents on account of menace of birds in the area, where the solid waste is littered. The site was selected jointly by the representatives of the HUDCO, Ministry of Urban Development and Poverty Eradication, Officers of the Hindan Air Force Station and the Regional Manager of U.P. Pollution Control Board. The land in village Dundaheera and Chipiyana is away from the funnel; the flight path of the aircrafts was found to be most suitable. The money was released by Government of India and that after repeated reminders by the Department of Environment, Government of UP and the UP Pollution Control Board, the Committees were constituted for SWMP in Ghaziabad and Bareilly on 20.9.2004. The site was handed over by Nagar Nigam to the Jal Nigam, the construction agency on 20.10.2004. As soon as the construction of boundary wall started, the local residents started their agitation, which stopped when the District Magistrates of Ghaziabad and Gautam Budh Nagar explained the benefits of the project to the residents of the areas.

37. That it is at this stage the State Government announced a policy on 21.5.2005 of development of urban land to meet the requirements of the residential units in the State of UP. The developers got themselves registered under the policy in the 'Licensed Based Development Scheme,' and in which 60% of the land was to be acquired by the registered private developer.
38. That the developers conniving with officers of the GDA took benefits of the default committed by the Municipal Commissioner, Nagar Nigam in the meeting in which the Master Plan 2021 of GDA was proposed to be finalized. Despite the fact, that the officer of GDA was present in almost all the meetings for construction of SWMP at village Dundahera, no objection appears to have been raised by Nagar Nigam in the proposed residential use of land in village Dundahera.
39. That even if the land use of village Dundahera in the Master Plan 2021 of GDA was residential, this land could not have been included in the DPR of the developers, as it never belonged to GDA. It was the land belonging to the Land Management Committee of the village, which was handed over to the Nagar Nigam, Ghaziabad. The GDA had no authority to include it in the DPR sanctioned in favour of developers. The developers as well as GDA were fully aware that the SWMP is being constructed on the 100% financial grants given by the Central Government under the orders of the Apex Court. The brazenness of GDA is evident from the fact that taking advantage of its own wrong in showing the land use of the area as residential, it not only included the same land in the DPR of the developers, it also rejected the representation of the Nagar Nigam and thereafter a review petition filed by the Nagar Nigam.
40. That it appears that some good sense prevailed in the GDA after realizing that the SWMP is being constructed under a policy of the Central Government and the State Government and for which the GDA is also statutorily responsible to select the site under the Municipal Solid Waste (Management and Handling) Rules, 2000. The GDA thus forwarded a request to the State Government on which the State Government in exercise of its powers under subsection (3) of Section 13 of UP Urban Planning and

Development Act, 1973, directed it to advertise and hold public hearing and forward its recommendation after deciding the objections and recommendations, if any. The GDA held a public hearing on 19.1.2009, and rightly recommended that the land use of the 14 acres of land in village Dundahera should be changed as 'dumping yard' and consequently the State Government issued notification on 21.10.2009, giving rise to several writ petitions.

41. That the officers of GDA appear to have no respect for law. Having made recommendations of change of land use, and forwarding its recommendations for change of land use, instead of allowing the SWMP to be constructed for the benefits of residents of Ghaziabad and for environmental protection, proposals were sent to the State Government for acquiring land in village Galand for changing the site of the SWMP. Once again the officers of GDA misrepresented to the State Government that the village Galand falls within the development area of GDA and consequently the State Government did not mention in the Notifications dated 9.7.2010 and 10.11.2010 for acquisition of 34.213 hectare land in village Galand, Tehsil Hapur, District Ghaziabad now district Hapur, the acquiring body for which the land has been acquired, has not been specified. The GDA also did not realize that where the land is being acquired by the State Government for construction of an environmental project, the cost of acquisition cannot be met by the private companies. In order to change the site of SWMP and to hand over to M/s APIL, which had already sold the land, which never belongs to either GDA, the private developers have offered and that the officers of the GDA accepted the compensation from them and have deposited it for acquisition of land in village Galand. The developers have, in an extraordinary zeal to defend themselves in a matter where it committed gross misrepresentation, which is also a crime under IPC in selling away the land of Nagar Nigam, Ghaziabad, have filed documents to support that they have deposited Rs. 35 lacs towards 50% cost of acquisition of land in village Galand for the purposes of changing the site of SWMP and have thereafter persuaded the GDA in requesting the

- Commissioner of the Division to allot the site to GDA so that the same could be given to the developers.
42. That the reservation of landfill sites, at a safe place away from thick urban population and the construction of Solid Waste Management Plant, in accordance with Municipal Solid Waste (Management and Handling) Rules, 2000, is a larger public purpose. The State Government, through its Urban Development Department, Municipal Authorities, Development Authorities and the Pollution Control Boards in the State, have been given important statutory responsibility under the Municipal Solid Waste (Management and Handling) Rules, 2000, to reserve the sites and to construct landfill site and Solid Waste Management Plants with its scientific specification given in the Schedule appended to the Rules. This responsibility to protect the environment serves the rights of citizen under Article 21 of the Constitution of India. All the powers of the State Government under Articles 12, 14, 16 and 298 read with the Preamble & Part-IV of Constitution of India, as held in **Akhil Bhartiya Upbhokta Congress vs. State of M.P and others (2011) 5 SCC 29**, are in larger public interest, for public good and have to be used without any discrimination. The State Government does not have absolute or unfettered discretion, incompatible with doctrine of equality and is an antithesis to concept of rule of law. In our constitutional structure no functionary of the State or public authority has an absolute or unfettered discretion. The very idea of unfettered discretion is totally incompatible with the doctrine of equality enshrined in the Constitution and is an antithesis to the concept of rule of law. Reference may be made to the long lines of cases beginning from **S.G. Jaisinghavi v. Union of India, AIR 1967 SC 1427**; **Erusian Equipment and Chemicals Ltd. v. State of W.B. (1975) 1 SCC 70**; **Ramana Dayaram Shetty v. International Airport Authority of India, (1979) 3 SCC 489**; **Kasturi Lal Lakshmi Reddy v. State of J&K, (1980) 4 SCC 1**; **LIC v. Consumer Education & Research Centre (1995) 5 SCC 482** and **Common Cause (Petrol Pumps Matter) v. Union of India (1996) 6 SCC 530**

43. That in Akhil Bhartiya Upphokta Congress's case (supra) the Supreme Court, in considering the matter in which the State Government had changed the land use in the Bhopal Development Plan under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973, declared allotment of 20 acres of land to respondent no. 5 in the Civil Appeal registered as a Trust, having no nexus with the purpose for which the modification of the development plan could be affected under that Section. Paragraphs 76 and 79 of the judgment are quoted as below:-

"76. The development plan prepared under Chapter IV is the foundation of development of the particular area for a specified number of years. No one can use land falling within the area for which the development plan has been prepared for a purpose other than for which it is earmarked. Section 23-A was inserted in 1992 and amended in 2005 with a view to empower the State Government to modify the development plan or zoning plan. However, keeping in view the basic objective of planned development of the areas to which the Act is applicable, the Legislature designedly did not give blanket power to the State Government to modify the development plan. The power of modification of development plan can be exercised only for specified purposes.

79. It is not in dispute that in the Bhopal Development plan, the use of land which was reserved and allotted to respondent No.5 was shown as public and semi public (health). The State Government modified the plan by invoking Section 23-A(1)(a) of the Act for the purpose of facilitating establishment of an institute by respondent No. 5 and not for any proposed project of the Government of India or the State Government and its enterprises or for any proposed project relating to development of the State or for implementation of the Town Development Scheme. As a matter of fact, the exercise undertaken for the change of land use, which resulted in modification of the development plan was an empty formality because land had been allotted to respondent No.5 almost two years prior to the issue of notification under Section 23-A (1) (a) and the objects for which respondent No.5 was registered as a trust have no nexus with the purpose for

which modification of development plan can be effected under that section. Therefore, there is no escape from the conclusion that modification of the development plan was ultra vires the provisions of Section 23- A(1) (a) of the Act."

44. That in the present case by default the Master Plan 2021 prepared by the GDA, without taking into consideration the orders of Supreme Court, selection of site, the grants given by the Central Government and the construction of SWMP, had prescribed the land use of the area of village Dundahera as residential. The State Government had, thereafter in bonafide exercise of its powers on the recommendation of GDA after giving public hearing and considering the report of the Committee of the GDA, which had heard all the concerned parties, changed the land use to dumping yard, for the purposes, for which it was selected and was being utilized. The power of change of land use was exercised by the State Government to save the important environmental project coming up on the land in larger public interest.
45. That the GDA, thereafter again completely lost sight of the change of land use, release of grants by Government of India, and the utility of the project and was ill-advised in not following the orders passed by the Supreme Court in **Almitra H. Patel's** case and in which the Hon'ble Supreme Court was monitoring Action Plan for management of municipal solid waste in respect of Metro cities and State capitals by the Ministry of Urban Development in consultation with all concerned. The record of proceedings of the Writ Petition No. 888 of 1996 dated 26.7.2004 and 4.10.2004 shows the deep concern with which the Supreme Court is monitoring the progress of the implementation of the Municipal Solid Waste (Management and Handling) Rules, 2000. In this case not only the site was selected but the LMC land in the management of Nagar Nigam was put to use and the constructions were started when Shri Anil Kumar Tyagi apparently set up by the private builders, who had taken out licence and included the land in village Dundahera without authority in their development plans, in connivance with the GDA, started filing one after another

constructions against the land use. Unfortunately without calling for reply, ad hoc directions were given to stop constructions against the proposed land use in the Master Plan 2021. In spite of the representations of the Nagar Nigam, trying to inform the High Court as well as GDA that SWMP is under construction, with no objection certificate received from the Hindan Air Force Base and the UP Pollution Control Board, the GDA brazenly colluding with private builders even after the change of land use by State Government, allowed the revised DPR and lay out plan including the land in village Dundahera, which never belongs to GDA.

46. That Writ Petition No. 1836 of 2011 (Ram Bhul and others vs. State of UP and others) challenging the acquisition of 34.213 hectares of land at village Galand, Tehsil Hapur, District Ghaziabad at present Hapur, it is established that the land was acquired by the State Government not for any construction of dumping yard for solid waste disposal of District Ghaziabad for which the responsibility of the construction and maintenance under the Rules of 2000 is with the Nagar Nigam. The land was acquired by the State Government under an arrangement in which the construction of SWMP was proposed to be shifted from village Dundahera to Galand to which serious objections were made by the Hindan Air Force Station.
47. That it was further found that the cost of the compensation was deposited by developer companies which have no concerned or responsibility to construct SWMP. The land was acquired for shifting the site of SWMP on account of the litigation and interim orders passed by the Court. The GDA, in active connivance with the developers and to help them to acquire the land for which GDA has no authority, proposed the shifting of the site of SWMP from village Dundahera to Galand. The entire object was to allow the land in village Dundahera to developers. The land use of the site and the alleged nuisance, which was claimed to be caused to the residents of the area, was only a facade. The entire object of filing of repeated writ petitions initially by proxy and thereafter by developers themselves was to illegally grab the land in

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Committee and Nagar Nigam development and sale. The acquisition of land was in colourable exercise of powers.

48. That ultimately seven petitions filed by the developers and their proxy were heard along with the petition No. 1836 of 2011 (Ram Bhul and others vs. State of UP and others) challenging the acquisition of 34.213 hectares of land at village Galand, Tehsil Hapur, District Ghaziabad at present Hapur, and petitions filed by the developers for shifting the SWMP from Dundehera to Galand were dismissed with cost of Rs.2 crore 21 lacs and petition No. 1836 of 2011 against acquisition of land at Galand was allowed by this Hon'ble court by the order dated 30.08.2011 the operative portion of the order is being quoted below:-

"For the aforesaid reasons, we do not find any substance in the prayers made in **Writ Petition No. 254 of 2009** filed by M/s Ansal Properties & Infrastructure Ltd; **Writ Petition No. 59514 of 2009** filed by Crossing Infrastructure Pvt. Ltd; **Writ Petition No. 39389 of 2009** filed by Shri Anil Kumar Tyagi; **Writ Petition No. 64043 of 2009** filed by Ash Mohammad; **Writ Petition No. 64347 of 2009** filed by Suresh Kumar Sharma; **Writ Petition No. 64348 of 2009** filed by Vijay Singh and **Writ Petition No. 68558 of 2009** filed by Shri Gaurav Garg and others. All these writ petitions are accordingly **dismissed**.

"The **Writ Petition No. 1836 of 2011** (Ram Bhul and others vs. State of UP and others) is **allowed**. The notification under Section 4 (1) read with Section 17 (1) and (4) of the Land Acquisition Act dated 9.7.2010 and the Notification under Section 6 read with Section 17 (1) dated 10.11.2010 acquiring 34.213 hectare. of land in village Galand, Tehsil Hapur, District Ghaziabad for construction of dumping yard for solid waste management without specifying the acquiring body and on deposit of estimated compensation by private companies, proposing change of site are set aside both on the grounds that the acquisition is for ulterior purposes at the instances of the private builders for changing the land site from Dundehera, to Dasna in colourable exercise of powers, and also on the ground that for the purposes of dumping yard for solid waste management the provisions of Section 17(1) of the Act could not be used dispensing with right of



hearing under Section 5A of the Act.

In Writ Petition No. 254 of 2009 (M/s Ansal Properties & Infrastructure Ltd. vs. State of UP and others); Writ Petition No.59514 of 2009 (Crossing Infrastructure Private Ltd & another vs. State of UP and others) and Writ Petition No. 39389 of 2009 (Anil Kumar Tyagi vs. State of UP and others) the Court finds it necessary on the principles of restitution to neutralise the undeserved and unfair advantage gained by them by invoking the jurisdiction of the Courts. They misled the Court in believing that the construction of SWMP was against public interest, and connived with GDA to include the land in village Dundahera in the DPR and lay out plan. Even after the land use was changed they managed to get the land included in their DPR and lay out plan as if the land belonging to Nagar Nigam was transferred to them. M/s APIL also allotted the land to private persons creating third party interest. The filing of the repeated writ petitions beginning from March, 2006, in which interim orders were passed by this Court, delayed the construction of SWMP for more than five years and on which about 50% of the total grants of Rs.12.76 crores was utilised. We thus find it appropriate to direct M/s APIL and Crossing Infrastructure Pvt. Ltd to bear the escalated cost of the project. The Nagar Nigam will set up a Committee to calculate the additional costs of completion of the project due to escalation of the cost of the project. By any conservative estimate, the escalation would not be less than 20% of the original cost of the project. We, therefore, direct M/s APIL and Crossing Infrastructure Pvt. Limited to deposit Rs. One crore each with Nagar Nigam, Ghaziabad to be spent by it in the increased cost of the project. If the Committee set up by the Nagar Nigam, in which the representations of M/s APIL and M/s Crossing Infrastructure Pvt. Limited will be considered, finds that the cost escalation is more than Rs. Two crores, the entire escalated cost, so determined, will be shared by M/s APIL and Crossing Infrastructure Pvt Limited.

We also direct M/s APIL and Crossing Infrastructure Private Limited to deposit Rs.10 lacs

(Rupees Ten lacs only) each as cost of vexatious litigation initiated with ulterior motives, to be deposited with the Nagar Nigam, Ghaziabad. Shri Anil Kumar Tyagi will also pay cost of Rs. One lac to Nagar Nigam for filing repeated frivolous writ petitions stalling the environmental project of public importance for the citizens of Ghaziabad. The amount of Rs. Two crores as directed above and the entire costs will be deposited with Nagar Nigam within one month from today. A copy of the order dated 30.08.2011 is being filed herewith and is marked as Annexure No.3 with this petition.

49. That now about more than 10 years has passed since the order passed by this Hon'ble court and order is still operative as it has not been set aside by the court of a competent jurisdiction but no effort has been made by the concerned authority to fallow the direction of the judgment and order of the Hon'ble court and again the same effort is being made by the respondents to construct SWMP again at village Galand in the name of waste to energy plant with a view to benefit the developers and after purchasing the land from the farmers with the pretext for developing residential colonies the land has been donated by the developers to the respondent No.3 to establish SWMP which is clearly apparent from a bare perusal of the Annexure-A of the lease deed dated 19.11.2019 executed by the respondent No.3 in favour of respondent No.7 which clearly shows that out of total 12.1099 hectare 7.3329 hectare land was obtained through the donation made by developers. A copy of the lease deed dated 19.11.2019 is being filed herewith and is marked as Annexure No.4 with this petition.
50. That against the proposed construction of SWMP at village Galand and Pipalkhera petitioner has filed representation before the respondents but no heed is being paid by the concerned authorities in spite of continuous agitation by the residents of the villagers. A copy of the representation of the petitioner and other organizations are being filed herewith and is marked as Annexure No. 5 with this petition.
51. That site plan of the lease deed dated 19.11.2019 clearly demonstrate that the proposed land for the construction of

(21)  
SWMP is surrounded two side by Ganga canal and one side by village Abadi of Galand one side by an ancient temple of Lord Shiva therefore construction of SWMP will cause great environmental pollution to resident of the villagers as well as water of Ganga flowing two sides of the proposed plant.

52. That earlier construction of SWMP at Galand within 20 km area of Hindan air force station which has already been considered and was found unsuitable by this Hon'ble court at the time of passing the Judgment and order dated 30.08.2011 copy of which has already been annexed with the petition.
53. That respondent No.3 has tacitly shown that location of the leased land situate within district Ghaziabad in order to avoid the provision of Rule 4 of Municipal Solid Waste (Management and Handling) Rules 2000 because as per Rule 4 (1) Every municipal authority, shall within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid waste.
54. That the respondent had to construct SWMP as per direction of the court and as per rule 2000 mentioned above but only in order to benefit the developers no construction of SWMP was carried out for last about 10 years and in this way respondents has shown utter disregard towards the rule of law for their vested interest and absolutely against the public interest at large hence are liable to be punished with heavy hands of the law.
55. That as per rule mentioned above respondent No. 3 can't establish SWMP at village Galand Tahsil Dhaulana District Hapur as it is beyond the municipal limit of the respondent No.3.
56. That so far the information of petitioner still no objection from the air force has been obtained by the respondent No.3 for construction of plant at Village Galand which is mandatory as per direction of this Hon'ble court as well as Hon'ble Supreme court.

57. That the petitioner has no other alternate speedy and efficacious remedy available to him except to invoke the extra ordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. The petitioner is filing this writ petition interalia on following grounds.

### G R O U N D S

- A) Because site plan of the lease deed dated 19.11.2019 clearly demonstrate that the proposed land for the construction of SWMP is surrounded two side by Ganga canal and one side by village Abadi of Galand one side by an ancient temple of Lord Shiva therefore construction of SWMP will cause great environmental pollution to resident of the villagers as well as water of Ganga flowing two sides of the proposed plant,
- B) Because earlier construction of SWMP at Galand within 20 km area of Hindan air force station which has already been considered and was found unsuitable by this Hon'ble court at the time of passing the Judgment and order dated 30.08.2011 copy of which has already been annexed with the petition.
- C) Because, respondent No.3 has tacitly shown that location of the leased land situate within district Ghaziabad in order to avoid the provision of Rule 4 of Municipal Solid Waste (Management and Handling) Rules 2000 because as per Rule 4 (1) Every municipal authority, shall within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid waste.
- D) Because as per rule mentioned above respondent No. 3 can't establish SWMP at village Galand Tahsil Dhaulana District Hapur as it is beyond the municipal limit of the respondent No.3.
- E) Because the respondent had to construct SWMP as per direction of the court and as per rule 2000 mentioned above but only in order to benefit the developers no construction of SWMP was carried out for last about 10 years and in this way respondents has shown utter

disregard towards the rule of law for their vested interest and absolutely against the public interest at large hence are liable to be punished with heavy hands of the law.

P R A Y E R

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- a) Issue a Writ order or direction in the nature of mandamus commanding the respondents to construct SWMP at village Dundaheera, District-Ghaziabad where about 13 crore grant of central Govt. has already been used.
- b) Issue a Writ order or direction in the nature of certiorari quashing the lease deed dated 14.10.2019 executed by the respondent No. 3 in favour of respondent No.7 to construct SWMP at village Galand District Hapur.
- c) Issue a Writ order or direction in the nature of mandamus commanding the respondents to.
- d) Issue a Writ order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

**Dated:**           /2021

(Suneel Rai and Sabya Sachee Rai)

Advocate  
Counsel of the Petitioner .

**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State of U.P. and others

**Counsel for Petitioner :-** Mr. Suneel Kumar Rai, Advocate

**Counsel for Respondent :-** Mr. A.K. Goyal, Additional Chief Standing Counsel for respondent Nos.1 and 2, Mr. Pradeep Kumar Singh for respondent No.3, Mr. Rohan Gupta, Advocate for respondent No.4, Mr. Hari Nath Tripathi, Advocate for respondent No.5 and Mr. Purvendu Kumar Singh, Advocate for respondent No.6

**Hon'ble Rajesh Bindal,Chief Justice**

**Hon'ble Piyush Agrawal,J.**

On request of learned counsel for the petitioner, adjourned to January 18, 2022.

**Date :-** 13.12.2021

Rakesh/Kuldeep

(Piyush Agrawal, J.)

(Rajesh Bindal, C.J.)

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021**

Jankalyan Kisan Welfare Samiti

.....Petitioner

v/s

State of U.P. and others

.....Respondents

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE J.J. MUNIR, JUDGE**

**ORDER**

**C.M. Listing Application No. 4 of 2022:**

1. Let the main petition be listed on September 29, 2022.
2. The application is disposed of.

(J.J. Munir, J.) (Rajesh Bindal, C.J.)

Allahabad  
30.05.2022  
Manish Himwan

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

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**PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021**

Jankalyan Kisan Welfare Samiti

.....Petitioner

v/s

State of U.P. and others

.....Respondents

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE  
HON'BLE J.J. MUNIR, JUDGE**

**ORDER**

**on Civil Misc. Listing Application No. 5 of 2022**

1. Let the writ petition be listed on February 14, 2023.
2. The application is disposed of.

(J.J. Munir)  
Judge

(Rajesh Bindal)  
Chief Justice

Allahabad  
04.01.2023  
I. Batabyal

**Court No. - 29** <sup>1132</sup>

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State Of U.P. And 6 Others

**Counsel for Petitioner :-** Suneel Kumar Rai, Girijesh Kumar Gupta, Shiv Shankar Pd Gupta

**Counsel for Respondent :-** C.S.C., A.S.G.I., Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta

**Hon'ble Pritinker Diwaker, Acting Chief Justice**

**Hon'ble Saumitra Dayal Singh, J.**

Learned counsel for the petitioner and respondent No.3 have pointed out that certain orders have been passed by the Apex Court in Special Leave to Appeal (Civil) Nos.32118 of 2011 and 13412 of 2012. They undertake to file all these orders within two weeks.

List this case on 14.3.2023.

In the meantime, parties, if so desire, may exchange the pleadings.

**Order Date :-** 21.2.2023

Kuldeep/Rakesh

**(S.D. Singh, J)**

**(Pritinker Diwaker, ACJ)**

**Court No. - 29** <sup>1133</sup>

**Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021**

**Petitioner :- Jankalyan Kisan Welfare Samiti**

**Respondent :- State Of U.P. And 6 Others**

**Counsel for Petitioner :- Suneel Kumar Rai, Girijesh Kumar Gupta, Shiv Shankar Pd Gupta**

**Counsel for Respondent :- C.S.C., A.S.G.I., Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta**

**Hon'ble Pritinker Diwaker, Acting Chief Justice**

**Hon'ble Saumitra Dayal Singh, J.**

Earlier order of the Court has not been complied with.

On the other hand, Sri P.K. Singh learned counsel for the respondents prays and is granted ten days' time to file detailed counter affidavit.

List after two weeks.

**Order Date :- 21.3.2023**

Faraz

**(Saumitra Dayal Singh, J)**

**(Pritinker Diwaker, ACJ)**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State of U.P. and 6 others

**Counsel for Petitioner :-** Girijesh Kumar Gupta, Shiv Shankar Pd Gupta, Suneel Kumar Rai

**Counsel for Respondent :-** A.S.G.I., C.S.C., A.K. Goyal (A.C.S.C.), Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Vikas Budhwar, J.**

1. Except for the Standing Counsel, none present for any of the respondent.
2. Counsel for the petitioner pleads urgency in the matter.
3. List on 18.12.2024.

**Order Date :-** 3.12.2024

P.Sri./Sharad

(Vikas Budhwar, J) (Arun Bhansali, CJ)

**1135**  
**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State of U.P. and 6 others

**Counsel for Petitioner :-** Girijesh Kumar Gupta, Shiv Shankar Pd Gupta, Suneel Kumar Rai

**Counsel for Respondent :-** A.S.G.I.,C.S.C., Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Kshitij Shailendra, J.**

List on 29.04.2025.

**Order Date :-** 17.4.2025

AHA/P.Sri.

(Kshitij Shailendra, J)      (Arun Bhansali, CJ)

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State of U.P. and 6 Others

**Counsel for Petitioner :-** Girijesh Kumar Gupta, Shiv Shankar Pd Gupta, Suneel Kumar Rai

**Counsel for Respondent :-** A.S.G.I., C.S.C., Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Kshitij Shailendra, J.**

1. At the request of counsel for the petitioner, the matter is taken up out of turn.
2. Learned counsel for the respondents prays for time to file counter affidavit.
3. Sufficient opportunities have already been granted, last opportunity is granted to file the counter affidavit, if any, failing which the matter shall proceed without the counter affidavit.
4. List the petition on 09.07.2025.

**Order Date :-** 29.4.2025

Mukesh Pal/Shiraz

(Kshitij Shailendra, J)      (Arun Bhansali, CJ)

**1137**  
**Chief Justice's Court**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2281 of 2021

**Petitioner :-** Jankalyan Kisan Welfare Samiti

**Respondent :-** State of U.P. and 6 others

**Counsel for Petitioner :-** Girijesh Kumar Gupta, Shiv Shankar Pd Gupta, Suneel Kumar Rai

**Counsel for Respondent :-** A.S.G.I., C.S.C., Hari Nath Tripathi, Nagendra Nath Mishra, Pradeep Kumar Singh, Ravi Prakash Pandey, Rohan Gupta

**Hon'ble Arun Bhansali, Chief Justice**

**Hon'ble Kshitij Shailendra, J.**

List on 04.08.2025.

**Order Date :-** 9.7.2025

Sandeep/NSC

(Kshitij Shailendra, J)      (Arun Bhansali, CJ)